

**NEWFOUNDLAND AND LABRADOR
REGULATION 16/15**

**Program Compliance Order
under the Newfoundland and Labrador Chicken Marketing Scheme
and the Natural Products Marketing Act**

(Filed February 4, 2015)

Under the authority of the Newfoundland and Labrador Chicken Marketing Scheme and the Natural Products Marketing Act, the Chicken Farmers of Newfoundland and Labrador make the following Order.

Dated at St. John's, January 29, 2015.

Ron Walsh
Executive Director

Chicken Farmers of Newfoundland and Labrador

ORDER

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Short title

1. This Order may be cited as the Program Compliance Order .

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Definitions

2. In this Order

(a) "anniversary date" means the date that is set initially after the first audit is completed and certification is granted;

(b) "audit" means a program audit conducted by approved auditors trained in HACCP principles, auditing techniques and the program;

(c) "certification" or "certified" means the certification agent has certified the producer as compliant with the program;

(d) "certification agent" means the individual appointed by the commodity board with the overall authority for the implementation, maintenance and integrity of the program;

(e) "CFC" means Chicken Farmers of Canada;

(f) "corrective action" means an action to eliminate the cause of a detected nonconformity or other undesirable situation;

(g) "HACCP" means internationally recognized Hazard Analysis Critical Control Point principles;

(h) "non-compliant producer" means a producer who has

(i) not participated in an audit within 2 months of the anniversary date,

(ii) not completed the required corrective actions by the specified date,

(iii) not maintained the program,

(iv) not cooperated with or provided access to documentation, facilities or personnel to auditors during audits, or

(v) used the certificate, certification or other program materials in a way that conflicts with the outlined requirements of the program; and

(i) "program" means

(i) the Animal Care Program approved by CFC, as may be amended or varied from time to time, and as published by CFC, the Canadian Food Inspection Agency or another party specified by CFC,

(ii) the On-Farm Food Safety Assurance Program approved by CFC, as may be amended or varied from time to time, and as published by CFC, the Canadian Food Inspection Agency or another party specified by CFC, or

(iii) both subparagraph (i) and (ii).

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Compliance with program

3. A producer shall comply with the requirements of the program.

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Requirements of program

4. The program follows the requirements as stipulated in the CFC Management Manual for that program, as amended or varied from time to time, and as published by CFC, the Canadian Food Inspection Agency or another party specified by CFC.

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New producer

5. A new producer shall be required to undergo an audit prior to starting his or her fourth period of production.

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Time periods for compliance

6. (1) A non-compliant producer may receive notice indicating that he or she has 60 days to comply with the program.

(2) If, at the end of the 60 day period, the producer continues to be in non-compliance with the program, the non-compliant producer may receive notice indicating that he or she has a further 60 days to comply with the program.

(3) If, at the end of the 120 days, the producer continues to be in non-compliance with the program, the non-compliant producer shall be required to comply with the program within 10 days.

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Audit

7. Where the non-compliant producer takes the necessary steps to comply with the program within a time period under section 6, the producer may

(a) be subject to an audit at the end of that time period; and

(b) be responsible for all of the costs of the audit and related expenses to become certified or determined to be in compliance with the program.

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Audit

8. (1) A non-compliant producer may participate in one or more audits.

(2) A non-compliant producer may be responsible for all of the costs of the audits and related expenses until the producer is certified or is determined to be in compliance with the program.

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New producers who are non-compliant

9. (1) The board of directors of the commodity board may decide to not permit a new producer to engage in chicken production at the end of that producer's growing period if the new producer fails to comply with the program.

(2) The commodity board shall notify the new producer of a decision taken under subsection (1).

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Withdrawal or termination of certification

10. A producer who fails to comply with the program may have his or her certification cancelled by the board of directors of the commodity board at the end of the non-compliant producer's growing period.

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Withdrawal of certification - production stopped

11. A producer who has stopped raising broilers for a period longer than the period between audits shall have his or her certification cancelled.

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Written notification of cancellation

12. The commodity board shall provide written notification to the producer of the decision to cancel his or her certification.

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Certificate and signage not to be displayed

13. If a certificate has been cancelled, the certificate and signage shall not be displayed or otherwise used to indicate that the premise is certified under the program.

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Prohibitions

14. A producer whose certificate is cancelled shall not be permitted to engage in chicken production.

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Recertification after cancellation

15. (1) If a non-compliant producer intends to become certified after having a certificate cancelled, the non-compliant producer shall be treated as a new producer regarding procedures to issue a certification outlined in the CFC manual for that program.

(2) The recertification process shall not commence until the costs of audits and related expenses assessed under sections 7 and 8 have been paid.

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Costs

16. (1) The commodity board shall cover the costs of the annual audit and one follow-up audit of a producer who is in compliance with the program.

(2) A producer shall be responsible for the full costs of subsequent audits to become recertified.

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Repeal

17. The On-Farm Food Safety Assurance Program Order , Newfoundland and Labrador Regulation 66/12, is repealed.

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