

**NEWFOUNDLAND AND LABRADOR  
REGULATION 33/00  
Egg Regulations  
under the Egg Scheme, 2000 and Natural Products Marketing Act**

Amended by:

16/01  
126/04  
88/06  
40/11  
19/13  
7/15

NEWFOUNDLAND AND LABRADOR  
REGULATION 33/00  
Egg Regulations  
under the Egg Scheme, 2000  
and Natural Products Marketing Act  
(Filed June 2, 2000)

Under the authority of section 8 of the Egg Scheme, 2000 and the Natural Products Marketing Act, the Egg Farmers of Newfoundland and Labrador make the following regulations.

Dated at St. John's , April 10, 2000.

Ruth Noseworthy  
Secretary Manager  
Egg Farmers of Newfoundland and Labrador

**REGULATIONS**

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##### Short title

1. These regulations may be cited as the Egg Regulations.

33/00 s1

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##### Definitions

2. In these regulations

- (a) "chick" means a class of hen that is less than one month old;

- (b) "container" means a consumer egg carton in which eggs are shipped or sold;

- (c) "egg" means the egg of a layer;

- (d) "EFNL" means the Egg Farmers of Newfoundland and Labrador as constituted under section 4 of the Egg Scheme, 2000 ;

- (e) "facility" means a building or land appurtenant to it together with fixtures and equipment belonging to a producer in which the producer has a proprietary interest and which is used by him or her to house layers owned by him or her for the purpose of egg production;

- (f) "hatchery" means a facility where hatching eggs are incubated by natural or artificial means to produce chicks;

- (g) "hatching eggs" means eggs from a layer incubated by natural or artificial means for the primary purpose of producing chicks;

- (h) "inspector" means an inspector appointed by

- (i) the minister, or

- (ii) the Egg Farmers of Newfoundland and Labrador ;

- (i) "marketing quota" means the number of dozens of eggs a producer is entitled to market from his or her quota;

- (j) "non-quota holder" means a person who owns between 100 and 499 layers inclusive who, prior to June 9, 2000 established to the satisfaction of the Egg Farmers of Newfoundland and Labrador that

- (i) on or before June 19, 1992, he or she was a producer who owned between 100 and 499 layers inclusive, and

- (ii) was engaged in the production of eggs with respect to those layers on or before June 19, 1992

and is registered as a non-quota holder;

- (k) "scheme" means the Egg Scheme, 2000 ; and

- (l) "unregulated producer" means a person who owns less than 100 layers.

33/00 s2; 88/06 s1; 19/13 ss1&3

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##### Non application and prohibition

3. (1) An unregulated producer shall not be affected by the Egg Scheme, 2000 or these regulations except as expressly set out.

- (2) A person or producer may not house in his or her facility layers in which another person or producer has a proprietary interest without the express written consent of the Egg Farmers of Newfoundland and Labrador .

33/00 s3; 19/13 s3

## PART I

### INSPECTION

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##### Duties and powers of inspectors

4. (1) An inspector appointed under the Act shall

- (a) inspect eggs and the packages and containers in which they are kept; and

(b) seize, detain or dispose of, if necessary, all eggs not being produced or marketed in accordance with the scheme.

(2) An inspector under the Act may

(a) at a reasonable time, go upon and enter into any land, premises, building or vehicle used or operated for the purpose of producing or marketing eggs;

(b) examine the eggs and documents held by a person pertaining to the eggs to ensure that they are being produced and marketed in accordance with the scheme;

(c) at a reasonable time, go upon and enter into any land, premises or building in which domestic hens are kept or suspected of being kept for the purpose of carrying out an inspection; and

(d) require a person in charge of a vehicle thought to be conveying eggs to stop the vehicle and permit the inspector to inspect the vehicle and its contents.

33/00 s4

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#### Inspection and detention of eggs

5. (1) Eggs detained under paragraph 4(1)(b) shall be detained for a period of not more than 48 hours from the hour and date of inspection.

(2) Notwithstanding subsection (1), an inspector shall release detained eggs at any time during the 48 hour detention period that the requirements have been met.

(3) If after the 48 hour detention period prescribed in subsection (1) has expired the requirements of the scheme have not been met, the inspector may, upon further inspection seize and remove eggs for disposal from the land, premises, building or vehicle where the eggs were first detained.

(4) Eggs referred to in subsection (3) shall be marketed at the expense of the producer or person on whose land, premises, building or vehicle the eggs were first detained and any proceeds remaining after expenses have been met shall, within a reasonable period of time, be returned to that producer or person.

33/00 s5

#### PART II

#### LEVIES AND SERVICE CHARGES

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#### Levies and service charge

6. (1) The Egg Farmers of Newfoundland and Labrador shall impose a levy of up to \$0.05 per dozen times quota times rate of lay as established by the EFNL on each producer.

(2) Each producer shall pay a levy to the Canadian Egg Marketing Agency at a rate prescribed by that agency.

(3) Each producer shall pay a levy as set by the EFNL for the purpose of funding the provincial surplus removal program.

(4) The levies prescribed by this section shall be collected in a manner prescribed by the Egg Farmers of Newfoundland and Labrador .

(5) The EFNL may collect any arrears of the levies prescribed under this section in the manner it may prescribe.

33/00 s6; 19/13 s3; 7/15 s1

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#### Non - quota holders

7. The Egg Farmers of Newfoundland and Labrador may, in its discretion, require that non-quota holders and unregulated producers pay levies up to the amounts prescribed under section 6.

33/00 s7; 19/13 s3

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#### Exemption from levies and service charge

8. (1) Notwithstanding section 6, upon application in writing by a producer, the commodity board may approve an exemption from the requirement to pay all or part of the levies prescribed by that section if the producer establishes to the satisfaction of the EFNL that extenuating circumstances as defined by the EFNL exist or have existed which necessitate that exemption.

(2) Notwithstanding subsection (1), the EFNL shall not approve an exemption related to

(a) normal mortality losses; or  
(b) the negligence of a producer with respect to the ordering of pullets, acquisition of new equipment or construction of buildings.

33/00 s8; 19/13 s3

### PART III

### QUOTA

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#### Cancellation of quota portion

9. A producer who is in arrears of any payment owing to the EFNL may have all or a proportionate part of his or her quota cancelled by the EFNL.

33/00 s9; 19/13 s3

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#### Registration number and certificate

10. A producer shall not be issued a quota unless the Egg Farmers of Newfoundland and Labrador has issued to him or her

(a) a registration number; and

(b) a quota certificate.

33/00 s10; 19/13 s3

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#### Interprovincial or export quota

11. A producer may, in addition to his or her provincial quota be assigned a quota to produce or market eggs under an interprovincial or export quota system of the Canadian Egg Marketing Agency.

33/00 s11

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#### Review of quotas

12. For the purpose of ensuring compliance with the overall provincial quota as set by the Canadian Egg Marketing Agency, the Egg Farmers of Newfoundland and Labrador shall regularly review and reassess the quotas of all producers in the province and shall where necessary vary the quotas of all producers or of all producers of a class or classes.

33/00 s12; 19/13 s3

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#### Cancellation, suspension or variation

13. The EFNL may

(a) cancel, suspend or vary the quota; and

(b) revoke or amend the quota certificate of a producer

(i) who fails to pay the EFNL all applicable levies,

(ii) who fails to comply with regulations, orders or policies of the agency or the EFNL, or

(iii) whose entitlement to market or have marketed on his or her behalf eggs in interprovincial

or export trade has been cancelled, suspended or varied by the Canadian Egg Marketing Agency.

33/00 s13; 19/13 s3

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#### Notice of action

14. (1) The Egg Farmers of Newfoundland and Labrador shall give notice to a producer of an intended action under section 13.

(2) Notice under subsection (1) shall be given by registered mail addressed to the producer at the address recorded in the books of the EFNL and the notice shall fix a time of not less than 14 days from the mailing of it for compliance or reply.

33/00 s14; 19/13 s3

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#### Transfer of quota

15. Quota shall not be transferred, sold, reassigned, surrendered or leased without the prior written approval of the Egg Farmers of Newfoundland and Labrador .

33/00 s15; 19/13 s3

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#### Cancellation or reduction of quota

16. A quota issued to a producer may be cancelled or reduced on 60 days notice to that producer if the producer ceased the production of eggs, or fails to produce eggs to the extent of his or her quota for a period of 90 days, except in extenuating circumstances as defined by the EFNL.

33/00 s16; 19/13 s3

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#### New and increased quotas

17. If the quota for the number of dozens of eggs allocated to the province by the Canadian Egg Marketing Agency increases over the previous year's total quota, then new or additional quota shall be issued as follows:

(a) 75% to existing quota holders on a proportional basis; and

(b) 25% to new entrants as per EFNL's new entrant policy of August 2012, approved by the Minister

Responsible for the Forestry and Agrifoods Agency, a true copy of which is on file with the EFNL and the office of the minister,

and this policy shall be subject to review every 3 to 5 years.

40/11 s1; 19/13 ss2&3

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#### Marketing by non quota holders

18. A non-quota holder shall not produce or market eggs without a non-quota holder certificate but shall report to the Egg Farmers of Newfoundland and Labrador in the manner prescribed by the EFNL.

33/00 s18; 19/13 s3

#### PART IV

#### HATCHING

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#### Quota for surplus hatching eggs

19. Producers of hatching eggs may be allotted a marketing quota at the discretion of the EFNL but only for eggs which are surplus to hatching requirements.

33/00 s19; 19/13 s3

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#### Operation prohibited

20. Producers of hatching eggs or growers of chicks shall not market eggs for consumption or industrial use without first obtaining a quota certificate from the EFNL.

33/00 s20; 19/13 s3

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#### Reports required

21. Producers of hatching eggs issued a marketing quota under section 19 shall report on marketing activities in the manner prescribed by the EFNL.

33/00 s21; 19/13 s3

#### PART V

#### GENERAL

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#### Flock replacement

22. A producer shall not replace chicks, pullets or layers for laying flock replacement or for other purposes without having first obtained a permit issued by the Egg Farmers of Newfoundland and Labrador and shall not sell, ship or move chicks, pullets or layers to a producer who has not been issued a permit.  
33/00 s22; 19/13 s3

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#### Permit required

23. A permit shall be required by a producer whether the product is produced by the producer for his or her own use or sale, or purchased from a commercial hatchery or grower located in or outside the province.  
33/00 s23

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#### Permits to purchase required

24. All producers shall obtain a permit to purchase chicks, pullets or layers and that permit shall not be issued to a person who is in violation of the Act, Egg Scheme, 2000 , or any regulations made under it.  
33/00 s24

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#### Egg production by non quota holder

25. Eggs produced by a quota holder, a non-quota holder and an unregulated producer shall form part of the provincial allotment to the province as its share of the national egg market.  
33/00 s25

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#### Fair pricing required

26. A person shall not market eggs in the province at a price less than the aggregate of  
(a) the price charged at or about the same time for eggs of an equivalent variety, class, grade or package in the province or other geographical area in which the eggs are produced; and  
(b) reasonable transportation charges to the place where the eggs are marketed and that are incurred by the person marketing the eggs.

33/00 s26

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#### Records

27. (1) A producer or his or her marketing agent shall maintain complete and up to date records of his or her flock inventory, egg production and egg marketing.

(2) A producer shall, on a form prescribed by the Egg Farmers of Newfoundland and Labrador report to the Egg Farmers of Newfoundland and Labrador

(a) his or her flock inventory on a monthly basis; and

(b) his or her egg production on a weekly basis.

(3) A report made under paragraph (2)(b) shall be received by the Egg Farmers of Newfoundland and Labrador no later than 10 days following the week for which it is made.

33/00 s27; 19/13 s3

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#### Identification of eggs

28. (1) Eggs shall be sold in containers which bear the identification imprint of the Egg Farmers of Newfoundland and Labrador .

(2) Containers required under subsection (1) shall not be reused.

33/00 s28; 19/13 s3

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#### Excess quota penalty

29. (1) A producer who houses layers in excess of 100% of his or her quota as evidenced by his or her quota certificate shall pay a penalty of \$1 per bird per week for each bird in excess of 100% of the quota.

(2) If, as prescribed by the Liquidated Damages Agreement with the Canadian Egg Marketing Agency the province is required to pay a penalty for over production by producers, the producers who have over produced as described in subsection (1) shall contribute to the payment of that penalty on a proportional basis as prescribed by the EFNL.

33/00 s29; 126/04 s1; 19/13 s3

PART VI

OFFENCE

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Offence

30. A person who produces or markets eggs in the province contrary to the Egg Scheme, 2000 or any Order or regulation made under that scheme shall be guilty of an offence under the Act.

33/00 s30

PART VII

REPEAL

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Repeal

31. The Miscellaneous Provisions Regulations, Consolidated Newfoundland Regulation 1169/96 and the Newfoundland Egg Marketing Board Consolidated Order , Consolidated Newfoundland Regulation 1185/96, are repealed.

33/00 s31

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