

Milk Producer Licensing Regulations

made under clauses 9(f)-(i), subsection 13(1), Section 14 and clause 15(1)(a) of the

Dairy Industry Act

S.N.S. 2000, c. 24

N.S. Reg. 204/2003 (September 9, 2003, effective July 3, 2003)

as amended up to N.S. Reg. 60/2012 (February 23, 2012, effective April 1, 2012)

Citation

1 These regulations may be cited as the Milk Producer Licensing Regulations.

Application

2 These regulations apply only to producers of cow's milk.

Definition

3 In these regulations

(a) "cow" means the mature female of domestic cattle, genus *Bos*;

(b) "milk quality standards" means the standards referred to in Sections 56 and 62 of Schedule 2 - Milk Production Regulations and the Abnormal Freezing Point Standard for Cow's Milk Regulations.

Clause 3(b) amended: N.S. Reg. 60/2012.

Licensing requirement

4 (1) The Board is the licensing authority referred to in Section 7 of the Act for the issuance of a producer licence.

(2) For a producer to obtain a producer licence, the operations of the producer's dairy farm must meet the requirements of Sections 6 to 51, 55 to 59 and 62 of Schedule 2—Milk Production Regulations and the Abnormal Freezing Point Standard for Cow's Milk Regulations and must be, in the opinion of the Board, located in reasonable proximity to an existing milk pick-up route.

Subsection 4(2) amended: N.S. Reg. 60/2012.

(3) A producer must apply for a licence on an application form provided by the Board, which must include the following information:

- (a) application date;
- (b) dairy farm name and producer name;
- (c) mail and civic addresses for each of the producer's dairy farm locations;
- (d) phone and fax numbers and e-mail address; and
- (e) processor and transporter recommendations.

(4) Each of a producer's dairy farm locations must be identified in the producer's licence.

Producer Selling Certified Organic Milk

5 [4A] (1) In this Section, "certified organic milk" means it is produced by a producer who is certified as organic by an organic certification body recognized by the Board and the Natural Products Marketing Council.

(2) A producer who wishes to sell milk categorized as certified organic must

(a) provide a copy of their certification upon request by the Board, and

(b) in accordance with the DFNS Organic Milk Policy sign an Acknowledgment and Undertaking Agreement with the Board.

Section 4A added: N.S. Reg. 306/2009.

Milk quality penalties

5 Every producer is subject to milk quality standards.

6 (1) If test results show that a producer's milk has failed to meet the milk quality standards, more frequently than twice in any 5 consecutive pay periods, the Board must promptly notify the producer and the producer's milk value will be reduced from the current pay period values by the applicable rate as set out in the following table:

No. of days milk

production delivered

in payment period

1st penalty

in 18 pay periods

(\$/hl)

2nd penalty

in 18 pay periods

(\$/hl)

3rd penalty

in 18 pay periods

(\$/hl)

27

\$1.80

\$2.70

\$3.60

28

1.74

2.60

3.48

29

1.68

2.52

3.36

30

1.62

2.43

3.24

31

1.57

2.35

3.14

32

1.52

2.28

3.04

Subsection 6(1) amended: N.S. Reg. 60/2012.

(2) Milk that is subject to a penalty prescribed in subsection (1) and that meets milk quality standards must be received and utilized by the purchaser or the consignee of the milk.

7 If test results show that a producer's milk has an abnormal freezing point twice within any 5 consecutive pay periods, the Board must promptly notify the producer and the producer's milk value will be reduced from the current pay period values by the applicable rate as set out in the following table:

No. of days milk production

delivered in payment period

Penalty rate

(\$/hl)

27

\$3.60

28

3.47

29

3.35

30

3.26

31

3.15

32

3.04

Section 7 amended: N.S. Reg. 60/2012.

8 (1) If test results show that a producer's milk contains unnatural inhibitors,

(a) the producer will be assessed the value of the rejected tanker of milk; and

(b) the producer's next subsequent milkings must be tested.

(2) If the results of the test under clause (1)(b) are positive, the producer's milk must not be offered for sale until the Board determines that the milk is free of unnatural inhibitors.

9 If a producer with 2 or more dairy farms fails to meet milk quality standards at any of the farms, a penalty under Sections 6 to 8 applies only to the milk from the farm where milk quality standards are not met.

Suspension or cancellation of licence

10 (1) If a producer's milk has been subject to a penalty pursuant to subsection 6(1) or Section 7 on 3 separate occasions during any consecutive 18-month period, the purchaser or consignee of the milk is not obligated to receive it, and the Board may suspend or cancel the producer's licence in whole or in part.

Subsection 10(1) amended: N.S. Reg. 60/2012.

(2) The Board may suspend or cancel a producer's licence in whole or in part for failing to comply with any of the following:

(a) effective August 1, 2006, with the Milk House Water Quality Regulations made under the Act;

(b) effective August 1, 2007, with the Canadian Quality Milk program requirements as established by the Board;

(c) effective August 1, 2008, with the Canadian Quality Milk validation requirements as established by the Board;

(d) with any production-related provision of an applicable Act or regulation;

(e) with an order made or policy established by the Council or the Board.

Subsection 10(2) replaced: N.S. Reg. 146/2006.

Procedure for hearing before licence suspension or cancellation

11 (1) Before the Board suspends or cancels a producer's licence under Section 10 the producer must be given the opportunity for a hearing before the board of directors.

(2) The board of directors must notify an affected producer in writing of the date, time and location and reason for the hearing.

(3) The board of directors must notify the processor representative of the hearing details referred to in subsection (2).

(4) A processor representative may attend a hearing but must not vote with respect to matters at issue in the hearing.

(5) Subject to procedures established by the board of directors, a processor representative may make representation[s] at a hearing.

Section 11 added: N.S. Reg. 116/2010.