



Français

Milk Act

R.R.O. 1990, REGULATION 761

MILK AND MILK PRODUCTS

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DEFINITIONS

1. In this Regulation,

- “automatic milking system” means a system for the milking of animals by which the animals may be milked at any time rather than during set milking times; (“système de traite automatique”)
- “consumer” means an individual who is acting other than in the course of carrying on business; (“consommateur”)
- “conventional bulk tank” means a farm bulk tank that is not a vertical bulk tank; (“réservoir classique”, “réservoir à lait classique”)
- “conventional milking system” means a system for the milking of animals by which the animals are milked during set milking times; (“système de traite classique”)
- “dairy cattle” means all animals in a dairy cattle herd, including female cattle at all stages of development, bulls and female and male calves; (“bovins laitiers”)
- “farm bulk tank” means a stationary storage tank used only for the holding and cooling of milk on the premises of a producer and includes fixtures thereto and the equipment required for the use of the tank; (“réservoir”, “réservoir à lait”)
- “inhibitor” means any antibiotic, medicine or chemical that can be detected in milk; (“inhibiteur”)
- “marketing board” means the marketing board known as Dairy Farmers of Ontario; (“commission de commercialisation”)
- “milking equipment” includes those parts of a milking machine and its pipelines, connections and appurtenances with which milk comes into contact when the milking machine is used; (“matériel de traite”)
- “milking parlour” means an area used solely for the milking of animals; (“salle de traite”)
- “non-shopkeeper-distributor” means a distributor other than a shopkeeper-distributor; (“distributeur non-commerçant”)
- “official method” means a method of analysis or examination approved by the Director for use in the administration of the Act and this Regulation; (“méthode officielle”)
- “producer” means a producer of milk or cream; (“producteur”)
- “sample storage depot” means any facility where milk samples of a producer are stored prior to pick-up for analysis for payment purposes; (“lieu de stockage des échantillons”)
- “sanitize” means to treat a surface that comes into contact with milk with heat or approved chemicals capable of destroying any micro-organisms that may be adhering to the surface; (“désinfecter”)
- “shopkeeper-distributor” means an operator of a shop who is engaged in buying fluid milk products from a non-shopkeeper-distributor and selling or distributing on the shop premises more than 50 per cent by volume of the fluid milk products directly to consumers; (“distributeur-commerçant”)
- “tank-truck” means a vehicle having a tank used only for the purpose of hauling milk, cream, liquid milk products or potable water; (“camion-citerne”)
- “utensils” means containers and equipment with which milk or cream comes into contact or is likely to come into contact used in the producing, handling and storing of milk or cream on the premises of a producer, other than farm bulk tanks and milking equipment. (“ustensiles”)
- “vertical bulk tank” means a farm bulk tank that is oriented vertically and does not have a personnel access port at the top. (“réservoir vertical”, “réservoir à lait vertical”) R.R.O. 1990, Reg. 761, s. 1; O. Reg. 100/95, s. 1; O. Reg. 348/95, s. 1; O. Reg. 122/18, s. 1; O. Reg. 202/19, s. 1; O. Reg. 901/21, s. 1; O. Reg. 61/22, s. 1.

EXEMPTIONS

- 1.1** This Regulation does not apply to milk referred to in subclause 5 (1) (a) (i) that is sold or offered for sale to,
- (a) the marketing board for non-food use; or
 - (b) any other person for use in plants in which milk or milk products are processed exclusively for non-food use. O. Reg. 9/11, s. 1.
- 1.2** (1) This Regulation does not apply to the operator of a plant with respect to the plant if,
- (a) all milk and every milk product received for processing at the plant or processed at the plant has been pasteurized or sterilized at a plant that,
 - (i) is located in Ontario and licensed under the Act, or

(ii) is located outside of Ontario but meets standards with respect to pasteurization and sterilization that are equivalent to the standards applicable at a plant licensed under the Act; and

(b) one of the following requirements is satisfied:

(i) none of the milk products listed in subsection (2) are processed at the plant,

(ii) at least one of the milk products listed in subsection (2) is processed at the plant and all milk products processed at the plant,

(A) are sold, offered for sale or transferred only to persons who are consumers, and

(B) remain under the control of the operator of the plant until they reach the consumer. O. Reg. 202/19, s. 2.

(2) Clause (1) (b) applies to a milk product only if it is a fluid milk product, cream, butter, cheese, cottage cheese, condensed milk, milk powder, dry milk, ice cream, ice cream mix, casein, malted milk, sherbet or such other product as is designated as a milk product in a regulation made under the Act. O. Reg. 202/19, s. 2.

(3) Despite anything else in this Regulation, the operator of a plant who is exempt from this Regulation under subsection (1) is also exempt from the requirements of sections 14 and 15 of the Act with respect to that plant. O. Reg. 202/19, s. 2.

INSPECTIONS BY FIELDPERSONS

2. (1) If a fieldperson inspects premises on which milk or cream is produced, the fieldperson shall prepare a report of the inspection. O. Reg. 122/18, s. 3 (1).

(2) The fieldperson shall ensure that a copy of the report is provided to the producer and to the Director. O. Reg. 122/18, s. 3 (1).

(3) A fieldperson who determines that the milk or cream delivered from a producer does not comply with this Regulation or is produced from animals or on premises that do not comply or with equipment that does not comply with this Regulation,

(a) shall immediately notify the producer and the marketing board of the finding; and

(b) may by order require that no milk or cream from the producer be marketed by the producer until the milk, cream, animals, premises or equipment, as the case may be, comply with this Regulation. O. Reg. 348/95, s. 2.

(3.1) A fieldperson who determines upon inspection of a producer's premises that dairy cattle on the premises have not been cared for or handled in accordance with the requirements in sections 34.3, 34.4 and 34.5,

(a) shall immediately notify the producer, the Director and the marketing board of the determination; and

(b) may by order require that no milk or cream from the producer be marketed by the producer until changes are made to the way the dairy cattle are cared for or handled to ensure the requirements are met. O. Reg. 122/18, s. 3 (2).

(4) A producer who is aggrieved by an order of a fieldperson under subsection (3) or (3.1) may appeal to the Director and the Director may, after a hearing, confirm, amend or revoke the order. R.R.O. 1990, Reg. 761, s. 2 (4); O. Reg. 122/18, s. 3 (3).

(5) If a notice is given to the Director under clause (3.1) (a) that dairy cattle have not been cared for or handled in accordance with the requirements in section 34.3, the Director may order the producer to,

(a) have a veterinarian, who is licensed under the *Veterinarians Act* and approved by the Director,

(i) attend at the producer's premises to assess the producer's dairy cattle with reference to the requirements in section 34.3, and

(ii) prepare a report on the assessment, including recommendations; and

(b) provide a copy of the veterinarian's report to the Director. O. Reg. 122/18, s. 3 (4).

(6) The Director may issue an order to the producer based on the recommendations contained in the veterinarian's report. O. Reg. 122/18, s. 3 (4).

PRODUCERS

3. No producer shall sell or offer for sale milk or cream that is not produced, handled and stored in accordance with this Regulation. R.R.O. 1990, Reg. 761, s. 3.

4. No animal that is,

- (a) suffering from an illness; or
- (b) infected with a disease,

that adversely affects the quality or flavour of the milk or cream shall be stabled,

- (c) so as to come into contact with animals from which milk or cream is obtained for sale; or
- (d) on premises used in connection with the producing, handling, storing or transportation of milk or cream. R.R.O. 1990, Reg. 761, s. 4.

5. (1) No producer shall sell or offer for sale milk or cream that,

- (a) is obtained from an animal,
 - (i) in the period of fifteen days before, or in the period of three days after, parturition, or such longer period as is required to insure that the milk or cream is colostrum-free,
 - (ii) to which an inhibitor has been administered, during the period of medication and for such period following the last treatment as is sufficient to ensure that the milk or cream does not contain an inhibitor when tested by an official method at a laboratory approved by the Director, or
 - (iii) that is not in good physical condition and free from any illness or disease that adversely affects the quality or flavour of the milk or cream;

- (b) is not clean;
- (c) has an objectionable flavour or odour;
- (d) shows evidence of being watery, flaky, stringy, bloody, thick or adulterated;
- (e) shows evidence of coagulation;
- (f) contains any foreign substance;
- (g) has an abnormal freezing point as described in subsection 52 (5);
- (h) contains an inhibitor, when tested by an official method at a laboratory approved by the Director;
- (i) is a mixture of milk or cream from two different species of animals; or
- (j) is produced in an unsanitary manner. R.R.O. 1990, Reg. 761, s. 5 (1); O. Reg. 634/00, s. 1.

(2) No producer shall sell or offer for sale milk,

- (a) that shows evidence of melted or churned fat floating on the surface of the milk;
- (b) that has had any part of the milk fat removed;
- (c) that has not been cooled in accordance with section 15.1 and maintained at temperatures specified under that section; or
- (d) that has not been filtered by means of a single-service filter or a stainless steel mesh-type filter approved by the Director. R.R.O. 1990, Reg. 761, s. 5 (2); O. Reg. 122/18, s. 4.

(3) No producer shall sell or offer for sale cream separated from milk that has not been filtered by means of a single-service filter or a stainless steel mesh-type filter approved by the Director. R.R.O. 1990, Reg. 761, s. 5 (3).

6. No food shall be given to an animal of a kind or at a time or in a manner that causes its milk or cream,

- (a) to give off an objectionable odour; or

(b) to have a taste or appearance other than that of normal milk or cream. R.R.O. 1990, Reg. 761, s. 6.

7. No person shall remove or cause to be removed anything from or add or cause to be added anything to milk or cream as it is produced. R.R.O. 1990, Reg. 761, s. 7.

8. (1) Animals shall be clean. R.R.O. 1990, Reg. 761, s. 8 (1).

(2) When animals are in stables, the hair on udders, flanks and tails above the switch of the animals shall be kept short. R.R.O. 1990, Reg. 761, s. 8 (2).

(3) The switch of an animal's tail shall clear the floor when the animal is standing. R.R.O. 1990, Reg. 761, s. 8 (3).

(4) Immediately before the time of each milking of an animal, the udder shall be cleaned. R.R.O. 1990, Reg. 761, s. 8 (4).

9. (1) Every producer shall keep all buildings or premises where animals are stabled or milked,

(a) clean and in a sanitary condition;

(b) as free as possible from flies and other insects;

(c) as free as possible from dust;

(d) adequately lighted; and

(e) ventilated sufficiently to prevent odours from affecting the milk or cream. R.R.O. 1990, Reg. 761, s. 9 (1).

(2) All walls, ceilings, partitions and other parts of the stable shall be whitewashed, painted or cleaned at least once a year and be kept clean. R.R.O. 1990, Reg. 761, s. 9 (2).

(3) Where milking parlours are used,

(a) where practicable, the parlour shall be partitioned off from the stable or loafing area;

(b) animal entrance and exit doors shall be self-closing where practicable and shall be kept closed between milkings;

(c) concrete or similar impervious materials shall be used for floors, ramps and platforms;

(d) the floor and animal platforms shall be adequately sloped to trapped covered floor drains that are capable of draining any liquids from the parlour to a location outside the parlour;

(e) sufficient area shall be provided to perform the normal duties of preparing and milking the animals;

(f) walls and ceilings shall have smooth surfaces and walls shall be impervious to liquids for a reasonable distance from the floor;

(g) screens shall be provided to prevent the entrance of insects;

(h) adequate lighting shall be provided in order that the operator has good visibility of the udders while milking;

(i) adequate hoses, nozzles, water supply and cleaners shall be provided to maintain the parlour in a sanitary state; and

(j) proper ventilation and heating shall be provided. R.R.O. 1990, Reg. 761, s. 9 (3).

10. No producer of milk shall permit animals other than of the bovine or caprine genus in any part of a stable used for the stabling or milking of animals. R.R.O. 1990, Reg. 761, s. 10.

11. (1) Every producer shall keep all parts of the premises clean and, except for loafing-type stables, free from accumulations of manure and refuse. R.R.O. 1990, Reg. 761, s. 11 (1).

(2) Every producer shall store manure so as to be inaccessible to animals and so as to minimize run-off and the breeding of flies. R.R.O. 1990, Reg. 761, s. 11 (2).

12. (1) Every producer of milk shall provide a milk house attached to or adjacent to buildings where animals are milked. R.R.O. 1990, Reg. 761, s. 12 (1).

(2) Every milk house shall be in a location that,

- (a) ensures good drainage and freedom from contamination;
- (b) is accessible for tank-truck pick-up; and
- (c) provides a tank-truck loading area that is reasonably level. R.R.O. 1990, Reg. 761, s. 12 (2).

(3) Every milk house shall,

- (a) have clear space sufficient for washing, cleaning, rinsing and storing milking equipment and utensils;
- (b) have a floor capable of supporting, without sagging or heaving, the cooling and storing facilities for milk and cream and the milking equipment and utensils;
- (c) have a floor with a smooth surface that is impervious to liquids and that has adequate slope towards the floor drain;
- (d) have one or more drains that,
 - (i) can be maintained in a sanitary condition,
 - (ii) are in an open position,
 - (iii) are located in the floor of the milk house at least 60 centimetres from the outlet of each farm bulk tank,
 - (iv) have a diameter of at least 10 centimetres, and
 - (v) are capable of draining any liquids from the floor in a manner approved by the Director;
- (e) have walls with smooth surfaces, impervious to liquids, extending for a reasonable distance from the floor;
- (f) be lighted sufficiently for the carrying out of all operations therein, including visual inspection of the milk in each farm bulk tank;
- (g) be provided with at least one door to the outside and, where it has a door opening into the milking area, such door shall be solid and tight-fitting;
- (h) have each door, including the door into the milking area, equipped with a self-closing device and such doors shall be kept closed;
- (i) be provided with screens for all windows and other openings sufficient to prevent entry of insects;
- (j) have walls and roof insulated to prevent condensation upon the inside walls and ceilings except such condensation as is caused by steam or hot water used in the milk house;
- (k) be properly ventilated;
- (l) be provided with a sink having two compartments;
- (m) be provided with adequate amounts of hot and cold potable water under adequate pressure;
- (n) be provided with a water hose with attached nozzle for rinsing each farm bulk tank; and
- (o) subject to clause (7) (f), be provided with a milk hose transfer-port that shall be,
 - (i) located near the outlet valve on each farm bulk tank,
 - (ii) maintained in good condition,
 - (iii) equipped with a self-closing device, and
 - (iv) used only for the passage of hose in the transfer of milk from a farm bulk tank to the tank-truck. R.R.O. 1990, Reg. 761, s. 12 (3); O. Reg. 392/99, s. 1 (1-3); O. Reg. 901/21, s. 2 (1).

(4) Every milk house shall be,

- (a) kept neat and clean and reasonably free from insects at all times;
 - (b) used only for,
 - (i) cooling and storing milk or cream,
 - (ii) storing milking equipment and utensils, and
 - (iii) washing and sanitizing milking equipment and utensils; and
 - (c) maintained so as not to impede the bulk tank milk grader in the performance of his or her duties. R.R.O. 1990, Reg. 761, s. 12 (4).
- (5) No animals or fowl shall be permitted to enter a milk house. R.R.O. 1990, Reg. 761, s. 12 (5).
- (6) Subject to subsection (7), no producer of cow's milk shall have more than two farm bulk tanks. O. Reg. 392/99, s. 1 (4).
- (7) A producer of cow's milk may have two farm bulk tanks if,
- (a)-(c) REVOKED: O. Reg. 901/21, s. 2 (2).
 - (d) the two tanks are not connected to each other;
 - (e) each tank is designed for every day pick-up of milk or has a plate heat exchanger;
 - (f) each tank is situated so that its milk can be transferred to the tank-truck by the bulk tank milk grader on one stop using a standard tank-truck hose; and
 - (g) there are two milk-house transfer ports in the milk house if two ports are necessary to permit the milk in both tanks to be transferred to the tank-truck on one stop using a standard hose. O. Reg. 392/99, s. 1 (4); O. Reg. 901/21, s. 2 (2, 3); O. Reg. 61/22, s. 2; O. Reg. 152/23, s. 1.
- (8) No producer of goat's milk may have more than two farm bulk tanks. O. Reg. 392/99, s. 1 (4).
- 12.1** (1) If milk, milk contact surfaces or cleaning solutions that are in contact with milk contact surfaces will be in contact with compressed air, the producer shall ensure that the compressed air is,
- (a) filtered to remove dust, insects, all other extraneous material and any source of objectionable odours; and
 - (b) conveyed from the air compressor by sanitary piping. O. Reg. 901/21, s. 3.
- (2) The producer shall ensure that any equipment used in connection with compressed air,
- (a) prevents siphoning or backflow of milk or other liquids or gases into the air system; and
 - (b) uses food grade oil, if the equipment requires oil to be used. O. Reg. 901/21, s. 3.
- 13.** (1) No person shall use milking equipment or utensils that were not,
- (a) rinsed with lukewarm water and thoroughly cleaned after each milking;
 - (b) sanitized before each milking; and
 - (c) stored on suitable clean racks in the milk house, milking parlour or other suitable location when not in use. R.R.O. 1990, Reg. 761, s. 13 (1).
- (2) Every producer shall provide and maintain in good condition and state of repair milking equipment and utensils for the producing, handling and storing of milk or cream. R.R.O. 1990, Reg. 761, s. 13 (2).
- (3) No producer shall use utensils that are not in good condition and state of repair. R.R.O. 1990, Reg. 761, s. 13 (3).
- (4) Every producer shall provide equipment and materials necessary to clean, rinse and sanitize milking equipment and utensils. R.R.O. 1990, Reg. 761, s. 13 (4).

(5) No producer shall use milking equipment or utensils for the production, handling, storage or transportation of milk or cream if the milking equipment or utensils are made of materials that,

- (a) adversely affect the flavour of milk or cream that comes into contact with them;
- (b) have rough surfaces or surfaces not easily cleaned;
- (c) have joints not flush with the surfaces; or
- (d) have open seams, cracks or exposed threads. R.R.O. 1990, Reg. 761, s. 13 (5).

(6) No person shall milk unless he or she,

- (a) has washed his or her hands immediately before the milking; and
- (b) keeps his or her hands clean during the milking. R.R.O. 1990, Reg. 761, s. 13 (6).

(7) No person shall milk an animal or handle milking equipment or utensils that come into contact with milk or cream except a person who is,

- (a) in good health;
- (b) free from any communicable disease as defined in the *Health Protection and Promotion Act* and the regulations thereunder;
- (c) cleanly dressed; and
- (d) personally clean at each time of milking and of handling milk, cream and utensils. R.R.O. 1990, Reg. 761, s. 13 (7).

14. (1) The milk in the milk house may be cow's milk or goat's milk, but the milk of both species may not both be present in the milk house at the same time. O. Reg. 392/99, s. 2 (1).

(2) A producer who installs a new farm bulk tank or changes a farm bulk tank installation shall notify the Director and the marketing board of the installation or the change, as the case may be, before using the farm bulk tank. O. Reg. 348/95, s. 3.

(3) Unless otherwise authorized by the Director, the producer shall cool and ship directly from each farm bulk tank all milk produced. R.R.O. 1990, Reg. 761, s. 14 (3); O. Reg. 392/99, s. 2 (2).

(4) The producer shall not sell or offer for sale milk removed from a farm bulk tank by the producer. R.R.O. 1990, Reg. 761, s. 14 (4); O. Reg. 392/99, s. 2 (3).

(5) No person shall use a farm bulk tank if the farm bulk tank does not comply with the requirements in this Regulation that apply to the particular type of farm bulk tank. O. Reg. 901/21, s. 4 (1).

(6) No person shall fill a farm bulk tank to a level at which the milk cannot be properly agitated without spilling. R.R.O. 1990, Reg. 761, s. 14 (6).

(7) No person shall use a conventional bulk tank of such size that the milk in the tank from the first milking using a conventional milking system cannot be properly agitated. O. Reg. 901/21, s. 4 (2).

(8) No person who uses an automatic milking system shall use a farm bulk tank of such size that the cooling requirements in section 15.1 cannot be met. O. Reg. 901/21, s. 4 (2).

(9) No person shall operate the agitator in a farm bulk tank in a manner other than the manner recommended by the manufacturer of the tank. O. Reg. 901/21, s. 4 (2).

14.1 The following are the requirements for a farm bulk tank:

- 1. It must be appropriate for milk and activities conducted with milk, including cooling, agitation, storage, sampling, grading and transfer.

2. It must be designed, constructed and maintained to prevent contamination of milk.
 3. It must be constructed of, and maintained using, materials that are suitable for a farm bulk tank and, if those materials present a risk of contamination of milk, that are,
 - i. corrosion-resistant,
 - ii. durable,
 - iii. capable of withstanding repeated cleaning and, if necessary to prevent contamination of milk, repeated sanitizing, and
 - iv. free of any noxious constituent.
 4. It must function as intended.
 5. It must be easily accessible and, if necessary for its cleaning, sanitizing, maintenance or inspection, its components must be able to be easily disassembled.
 6. Its surfaces that come into contact with milk must be smooth, free from pitting, cracks and flakes and non-absorbent, unless the surface does not present a risk of contaminating the milk. O. Reg. 901/21, s. 5.
- 15.** (1) If there is a farm bulk tank on the producer's premises, the following components of the farm bulk tank shall be enclosed within the milk house:
1. The outlet valve.
 2. The personnel access port for grading milk and inspecting the bulk tank and any other components that are necessary to allow access to milk for grading or sampling, including for the aseptic collection of a representative sample.
 3. The bulk tank vent.
 4. A thermometer that complies with clause 16 (1) (d).
 5. All equipment and pipelines that are necessary to wash the inside of the farm bulk tank from within the milk house.
 6. All components that are necessary for the purpose of safely and accurately determining the volume of milk in the farm bulk tank from within the milk house. O. Reg. 901/21, s. 6.
- (2) Every milk house shall,
- (a) be equipped with a properly grounded electrical outlet providing a service of 220 volts and having a capacity of 15 amperes to operate the tank-truck pump;
 - (b) allow sufficient space for the inspection, cleaning, sanitizing and maintenance of the milk house and the farm bulk tank;
 - (c) have sufficient room so that a bulk tank milk grader can perform their duties; and
 - (d) in the case of a farm bulk tank that is not designed to extend through the wall and beyond the perimeter of the milk house, have at least 60 centimetres clear space between the tank and any other farm bulk tank, any wall or any permanent fixture or device. O. Reg. 901/21, s. 6.
- (3) Despite clause (2) (a), every electrical outlet shall be of 20 ampere capacity with the on and off switch located in the milk house and a receptacle of a twist-lock design located on the outside of the milk house at a point convenient to the tank-truck operator. O. Reg. 901/21, s. 6.
- (4) If there is a conventional bulk tank in the milk house, there shall be sufficient clearance between the top of the conventional bulk tank and the ceiling of the milk house to allow for,
- (a) the inspection, sampling, grading and measuring of milk in the conventional bulk tank; and
 - (b) the complete removal of the internal conventional bulk tank measurement gauge, if one is used to measure the volume of milk in the conventional bulk tank. O. Reg. 901/21, s. 6.

15.1 (1) A producer shall ensure that milk in a farm bulk tank is cooled and its temperature maintained in accordance with this section. O. Reg. 901/21, s. 6.

(2) Except as otherwise provided in this section, milk in the farm bulk tank shall be maintained at a temperature of 4°C or lower but higher than 0°C. O. Reg. 901/21, s. 6.

(3) In the case of a conventional milking system, the following requirements apply:

1. Milk from the first milking that enters the farm bulk tank after the tank has been emptied and cleaned shall be cooled to a temperature of,
 - i. 10°C or lower within one hour after the completion of milking, and
 - ii. 4°C or lower within two hours after the completion of milking.
2. If after a first milking referred to in paragraph 1 the farm bulk tank is not emptied and cleaned and milk from a second or subsequent milking is added to the tank, the blend temperature of the milk in the tank,
 - i. shall not exceed a temperature of 10°C for more than 15 consecutive minutes while the milk is entering the tank, and
 - ii. shall be cooled to a temperature of 4°C or lower within one hour after the completion of milking. O. Reg. 901/21, s. 6.

(4) In the case of an automatic milking system, the following requirements apply:

1. Within three hours after the farm bulk tank has been emptied, the milk shall be cooled, without freezing, to a temperature of 4°C or lower.
2. After the milk has initially been cooled to a temperature of 4°C or lower, its temperature shall not exceed 4°C for more than 15 minutes in total before the next time the tank is emptied. O. Reg. 901/21, s. 6.

(5) In the case of a farm bulk tank for which cooling is provided by a refrigeration unit powered by a generator or an internal combustion engine, the following requirements apply:

1. Milk shall initially be cooled to within 1°C of the temperature required under subsection (3) or (4).
2. After the milk has initially been cooled, its temperature shall be maintained at a temperature of 5°C or lower but higher than 0°C. O. Reg. 901/21, s. 6.

16. (1) Each farm bulk tank shall be equipped with,

- (a) one or more refrigeration systems capable of cooling milk and maintaining its temperature in the tank in accordance with the requirements in section 15.1;
- (b) an agitator capable of agitating milk in the tank, without splashing or churning, so that the milk is thoroughly mixed in five minutes;
- (c) a measuring device which is protected from the elements and by which the volume of milk in the tank may be accurately determined;
- (d) an indicating thermometer with scale divisions of at least 3 millimetres for each change of 2°C within a range of temperatures from 0°C to 50°C that measures accurately to within 1°C the temperature of the milk in the tank and located so as to register temperatures of the milk when the tank contains 20 per cent of its capacity; and
- (e) a cap on the outlet valve. O. Reg. 901/21, s. 7 (1).

(2) Subject to subsection 14 (9), every agitator shall be equipped with an interval timer set so that the milk in the tank is automatically agitated for at least five minutes every hour. R.R.O. 1990, Reg. 761, s. 16 (2); O. Reg. 901/21, s. 7 (2).

(3) Where the thermometer on the farm bulk tank is inaccurate, damaged or broken, a hand thermometer with a stainless steel stem shall be provided by the producer and stored near the farm bulk tank. R.R.O. 1990, Reg. 761, s. 16 (3).

(4) The compressor parts of a refrigeration system shall be enclosed by screening. R.R.O. 1990, Reg. 761, s. 16 (4); O. Reg. 901/21, s. 7 (3).

(5) The farm bulk tank refrigeration system, the agitator and the tank-truck pump must have a source of power that is sufficient to operate the farm bulk tank refrigeration system, the agitator and the tank-truck pump in accordance with this Regulation. O. Reg. 139/09, s. 1; O. Reg. 901/21, s. 7 (3).

17. Each farm bulk tank shall be,

- (a) installed in a level position; and
- (b) installed in such a manner as to prevent any movement of the tank that is likely to affect the accuracy of the measuring device by which the quantity of milk in the tank is determined. R.R.O. 1990, Reg. 761, s. 17.

18. (1) Where a gauge rod is used as the measuring device to determine the volume of milk in a farm bulk tank, the gauge rod shall be plainly marked with graduation marks not further than 1 millimetre apart, beginning at the bottom of the rod and continuing only to that level beyond which the milk in the tank cannot be properly agitated without spilling. R.R.O. 1990, Reg. 761, s. 18 (1).

(2) Where a farm bulk tank is designed for the use of a gauge rod, the tank shall be provided with a fixed point for the suspension of the gauge rod. R.R.O. 1990, Reg. 761, s. 18 (2).

(3) Each gauge rod shall be supported in the vertical position at which the farm bulk tank has been calibrated. R.R.O. 1990, Reg. 761, s. 18 (3).

(4) No person shall use a measuring device to determine the volume of milk in a farm bulk tank other than a measuring device that determines the volume of milk within a tolerance of 0.25 per cent. O. Reg. 901/21, s. 8 (1).

(5) Every producer shall maintain near the tank a milk chart, in good condition, for each farm bulk tank. O. Reg. 392/99, s. 4 (1).

(5.1) Each chart must show,

- (a) the number of litres for each reading of the measuring device used to determine the volume of milk in the tank; and
- (b) the number of whole litres for each graduation of the measuring device. O. Reg. 392/99, s. 4 (1).

(5.2) Every producer shall provide a copy of each chart to the marketing board on the board's request. O. Reg. 392/99, s. 4 (1).

(6) The readings entered on the chart shall not exceed,

- (a) the manufacturer's rated capacity for the tank; or
- (b) the number of litres of milk which can be properly agitated in the tank without spilling. R.R.O. 1990, Reg. 761, s. 18 (6).

(7) No person shall use a measuring device or a chart other than a measuring device or a chart having the same manufacturer's serial number as the serial number of the farm bulk tank, unless the person has advised the Director of the discrepancy and followed the Director's directions to address the discrepancy. R.R.O. 1990, Reg. 761, s. 18 (7); O. Reg. 901/21, s. 8 (2).

(8) No person shall alter in any way a measuring device or chart except that the marketing board or the manufacturer of the farm bulk tank may correct or replace an inaccurate chart. O. Reg. 348/95, s. 4.

(9) In the case of milk in a conventional bulk tank, if the bulk tank milk grader cannot sample the milk using a sampling pipette and instead is required to sample the milk using a sanitized long-handled dipper in accordance with subparagraph 1 i of subsection 38 (5), the producer shall provide the bulk tank milk grader with a long-handled dipper and a container filled with sanitizing solution. O. Reg. 901/21, s. 8 (3).

(9.1) Every producer of milk shall post the producer's licence, with the licence number in a bar code format, so that it is easily accessible to the bulk tank milk grader. O. Reg. 302/04, s. 1 (1).

(10) Every producer of goat's milk shall mount a dispenser with milk sample labels near the farm bulk tanks in the milk house. O. Reg. 302/04, s. 1 (2).

19.-26. REVOKED: O. Reg. 901/21, s. 9.

27. The agitator in a farm bulk tank shall be so constructed that visual inspection of it can be made from outside the farm bulk tank and it shall be readily cleanable. R.R.O. 1990, Reg. 761, s. 27.

28.-30. REVOKED: O. Reg. 901/21, s. 9.

31. Every producer shall clean each farm bulk tank after each time it is emptied by means of a cleaning compound capable of removing dirt and milk deposits and shall rinse the tank with a sanitizing agent prior to the tank's next use. R.R.O. 1990, Reg. 761, s. 31; O. Reg. 392/99, s. 6.

32. (1) Where pipelines, dumping stations, farm bulk tanks or inflations are cleaned and sanitized in place,

- (a) the producer shall rinse the equipment, except farm bulk tanks, with lukewarm water immediately following milking;
- (b) the producer shall obtain from the producer's equipment supplier or supplier of washing compounds instructions for the procedure to be followed for cleaning and sanitizing each piece of equipment and shall post the instructions on the wall of the milk house;
- (c) the producer shall provide drainage valves at the bottom of pipeline risers in pipeline systems that do not drain properly without such drainage valves. R.R.O. 1990, Reg. 761, s. 32 (1); O. Reg. 392/99, s. 7 (1).

(2) The information to be posted under clause (1) (b) shall indicate,

- (a) the analysis of the water regularly used in the washing of the bulk tank;
- (b) the quantities of washing compound and water used in the washing cycle;
- (c) the maximum and minimum water temperatures used in the washing cycle;
- (d) the length of time used in the washing cycle;
- (e) the quantities of sanitizer and water used in the sanitizing cycle; and
- (f) the manufacturer's names for the washing and sanitizing compounds used. R.R.O. 1990, Reg. 761, s. 32 (2).

(3) In the event acidified wash or rinse is used, such information shall be posted on the wall in the milk house in addition to the information required under subsection (2). R.R.O. 1990, Reg. 761, s. 32 (3).

(4) Only detergents, wetting agents, sanitizing agents or similar compounds that are recommended by the manufacturers thereof used for the cleaning or sanitizing of pipelines, dumping stations, farm bulk tanks or inflations shall be used. R.R.O. 1990, Reg. 761, s. 32 (4).

(5) The materials mentioned in subsection (4) shall be used in the manner recommended by the manufacturer. R.R.O. 1990, Reg. 761, s. 32 (5).

(6) Pipelines shall be sloped to facilitate proper drainage. R.R.O. 1990, Reg. 761, s. 32 (6).

(7) An automatically washed pipeline shall be equipped with electrical controls to prevent it from being rinsed or washed while a milk line is connected to a farm bulk tank, and to prevent milking from taking place unless the milk line is so connected. O. Reg. 196/91, s. 1; O. Reg. 392/99, s. 7 (2).

(8) A manually controlled "C.I.P." pipeline shall be equipped with electrical or mechanical controls to prevent it from being rinsed or washed while a milk line is connected to a farm bulk tank. O. Reg. 196/91, s. 1; O. Reg. 392/99, s. 7 (2).

- 33.** Upon request, a producer in the presence of a fieldperson shall disassemble equipment for visual inspection of milk contact surfaces. R.R.O. 1990, Reg. 761, s. 33.
- 34.** Vacuum lines shall be cleaned internally at six-month intervals or as frequently as is necessary to prevent contamination of milk or milk contact surfaces. R.R.O. 1990, Reg. 761, s. 34.

TIME TEMPERATURE RECORDERS

- 34.1** (1) This section applies to every producer of cow's milk. O. Reg. 139/08, s. 2.
- (2) Every producer shall install and maintain as many time temperature recorders as necessary to monitor the farm bulk tanks and pipelines that the producer uses for cow's milk and the sinks that the producer uses for cleaning milking equipment used for cow's milk in accordance with this Regulation. O. Reg. 139/08, s. 2.
- (3) Each time temperature recorder must continuously display the correct date and time and the current temperature of the contents of every farm bulk tank, pipeline and sink used for cleaning milking equipment that the particular time temperature recorder monitors. O. Reg. 139/08, s. 2.
- (4) Each time temperature recorder must be located in the milk house or in a vestibule that is attached to the milk house and that opens to the outdoors. O. Reg. 139/08, s. 2.
- (5) Each time temperature recorder must be powered by electricity provided by a source of electric power that is capable of operating the time temperature recorder in accordance with this Regulation and on a continuous basis. O. Reg. 139/08, s. 2.
- (6) Each time temperature recorder must be equipped with a working battery or other back-up power supply and programmed so that if the electric power supply is interrupted, the time temperature recorder will,
- (a) keep the correct time and date during the interruption in the electric power supply; and
 - (b) preserve all information that is stored on it at the time of, during and following the interruption in the electric power supply.
- O. Reg. 139/08, s. 2; O. Reg. 122/18, s. 7 (1).
- (7) Each time temperature recorder must be designed, constructed, programmed and installed so that it does not cause electronic interference with the normal operation of the farm bulk tank, agitator, farm bulk tank refrigeration system, tank-truck pump, pipeline or other equipment. O. Reg. 139/08, s. 2; O. Reg. 901/21, s. 10 (1).
- (8) Each time temperature recorder must be programmed with the minimum and maximum water temperatures recommended by the manufacturer of the washing compounds used in the washing solution for cleaning the farm bulk tank, pipeline or sink used for cleaning milking equipment that the particular time temperature recorder monitors. O. Reg. 139/08, s. 2.
- (9) Each time temperature recorder that has electronic sensors that come into direct contact with milk must be designed and constructed so that the sensors may be maintained in a sanitary condition and every producer shall maintain the sensors in a sanitary condition. O. Reg. 139/08, s. 2.
- (10) If the electric power supply to a time temperature recorder is interrupted, when the electric power supply is restored, the time temperature recorder must display a visual alarm. O. Reg. 139/08, s. 2.
- (11) A time temperature recorder that monitors a farm bulk tank must display a visual alarm every time,
- (a) the temperature of the milk in the farm bulk tank,
 - (i) is higher than 10°C, unless it is within the first hour after the completion of the first milking or for a period of 15 minutes or less while milk from a second or subsequent milking is entering the tank,

(ii) is higher than 4°C, unless it is within two hours after the completion of the first milking or within one hour after the completion of a second or subsequent milking, or

(iii) is equal to or lower than 0°C;

(b) subject to subsection (11.1), the milk in the farm bulk tank is not agitated for at least five minutes every hour in accordance with subsection 16 (2); or

(c) the farm bulk tank is not cleaned in accordance with clause 13 (1) (a) between emptying and the next milking. O. Reg. 139/08, s. 2; O. Reg. 122/18, s. 7 (2); O. Reg. 901/21, s. 10 (2).

(11.1) Clause (11) (b) does not apply if agitating milk in the farm bulk tank for at least five minutes every hour would be contrary to the recommendations of the manufacturer of the tank respecting the tank's operation. O. Reg. 901/21, s. 10 (3).

(12) A time temperature recorder that monitors a pipeline must display a visual alarm if the pipeline is not cleaned in accordance with clauses 13 (1) (a) and 32 (1) (a) after each milking. O. Reg. 139/08, s. 2.

(13) A time temperature recorder that monitors a sink used for cleaning milking equipment must display a visual alarm if the sink is not used to clean the milking equipment after each milking. O. Reg. 139/08, s. 2.

(14) A time temperature recorder that monitors a farm bulk tank, pipeline or sink used for cleaning milking equipment must display a visual alarm if the temperature of the washing solution in the farm bulk tank, pipeline or sink does not reach the minimum temperature or exceeds the maximum temperature described in subsection (8). O. Reg. 139/08, s. 2.

(15) When a time temperature recorder displays an alarm in accordance with subsection (10), (11), (12), (13) or (14), the display on the time temperature recorder must indicate what caused the alarm to activate. O. Reg. 139/08, s. 2.

(16) A time temperature recorder that monitors a farm bulk tank or pipeline must measure and record the average temperature of milk in the farm bulk tank or pipeline for every five-minute period that the farm bulk tank or pipeline contains milk. O. Reg. 139/08, s. 2.

(17) A record required by subsection (16) must be made at the end of every five-minute period and must include the date and time that the record was made. O. Reg. 139/08, s. 2.

(18) A time temperature recorder that monitors a farm bulk tank, pipeline or sink used for cleaning milking equipment must measure and record the average temperature of the contents of the farm bulk tank, pipeline or sink for every twenty-second period that the farm bulk tank, pipeline or sink contains rinse water, washing solution or sanitizing solution. O. Reg. 139/08, s. 2.

(19) A record required by subsection (18) must be made at the end of every twenty-second period and must include the date and time that the record was made. O. Reg. 139/08, s. 2.

(20) A time temperature recorder must make a record every time an alarm activates in accordance with subsection (10), (11), (12), (13) or (14). O. Reg. 139/08, s. 2.

(21) A record required by subsection (20) must include,

(a) the date and time the alarm was activated;

(b) the date and time the alarm was deactivated;

(c) the cause of the alarm;

(d) if the alarm is activated due to a circumstance described in subsection (10), the time when the interruption in the electric power supply started;

(e) if the alarm is activated due to a circumstance described in clause (11) (a), the temperature of the milk in the farm bulk tank at the time the alarm activated; and

(f) if the alarm is activated due to a circumstance described in subsection (14), the temperature of the washing solution in the farm bulk tank, pipeline or sink at the time the alarm activated. O. Reg. 139/08, s. 2; O. Reg. 139/09, s. 2.

(22) Subject to subsection (23), a time temperature recorder must hold the records it is required to make by this Regulation in its memory in an unaltered form for the most recent three years. O. Reg. 139/08, s. 2.

(23) Until August 1, 2011, a time temperature recorder must hold all the records it is required to make by this Regulation in its memory in an unaltered form. O. Reg. 139/08, s. 2.

(24) The records held in a time temperature recorder must be stored in a form that is approved by a Director and that will allow a field-person to electronically retrieve and copy the records in a readable form. O. Reg. 139/08, s. 2.

ANNUAL ANIMAL HEALTH RISK ASSESSMENT

34.2 (1) This section applies to every producer of cow's milk. O. Reg. 17/13, s. 1.

(2) Every producer shall ensure that a veterinarian licensed under the *Veterinarians Act* attends the producer's premises to perform an annual animal health risk assessment of the producer's dairy cattle herd in accordance with this section. O. Reg. 17/13, s. 1.

(3) The assessment shall be completed during the veterinarian's on-site visit and shall be documented in the Form entitled "Cattle Health and Veterinary Medicine Use Declaration" dated January 14, 2013 and available on the marketing board's website. O. Reg. 17/13, s. 1.

(4) As part of the assessment, the veterinarian shall conduct a review of the herd's veterinary medicine use with the producer or with the individual who is responsible for the herd's veterinary medicine use. O. Reg. 17/13, s. 1.

(5) The producer shall keep the completed assessment form on the producer's premises for at least three years after the date on which the producer signs the form and shall provide a copy to a fieldperson or to the Director on request. O. Reg. 17/13, s. 1.

(6) Assessments shall be completed in accordance with the following rules:

1. A producer's initial assessment shall be completed before the day on which a fieldperson first inspects the producer's premises after this section comes into force. The initial assessment must have been completed during the 12 months that precede the date of the fieldperson's inspection.
2. Each subsequent assessment shall be completed annually on or before the anniversary of the date of the producer's initial assessment. O. Reg. 17/13, s. 1.

HEALTH CARE AND HANDLING OF DAIRY CATTLE

34.3 (1) A producer of cow's milk shall ensure that,

- (a) areas where dairy cattle are stabled or cows are milked are clean and comfortable; and
- (b) the hooves of dairy cattle are in good condition. O. Reg. 122/18, s. 8.

(2) A producer of cow's milk shall ensure that the ration, including water, that is provided to dairy cattle is adequate to maintain the dairy cattle's health and vigour. O. Reg. 122/18, s. 8.

(3) A producer of cow's milk shall ensure that no part of the tail of dairy cattle is docked unless the docking is determined by a veterinarian licensed under the *Veterinarians Act* to be necessary for the health of the animal. O. Reg. 122/18, s. 8.

(4) If the tail of dairy cattle is docked in accordance with subsection (3), the producer shall keep a written record of the veterinarian's determination that the docking was necessary for the health of the animal and shall provide a copy of the record to a fieldperson on request. O. Reg. 122/18, s. 8.

(5) No producer shall keep on the producer's premises dairy cattle whose tails were docked on or after May 1, 2018 unless the tails were docked in accordance with subsection (3). O. Reg. 122/18, s. 8.

34.4 (1) Every producer of cow's milk shall ensure that any dairy cattle on the producer's premises is identified in accordance with the requirements set out in Part XV (Animal Identification) of the *Health of Animals Regulations* (Canada) made under the *Health of Animals Act* (Canada). O. Reg. 122/18, s. 8.

(2) Every producer of cow's milk shall ensure that any dairy cattle that is or will be loaded and transported within or from the producer's premises is loaded and transported in accordance with,

- (a) the requirements set out in Part XII (Transportation of Animals) of the *Health of Animals Regulations* (Canada) made under the *Health of Animals Act* (Canada);
- (b) Ontario Regulation 444/19 (Standards of Care and Administrative Requirements) made under the *Provincial Animal Welfare Services Act, 2019*; and
- (c) if applicable, Ontario Regulation 105/09 (Disposal of Deadstock) made under the *Food Safety and Quality Act, 2001*. O. Reg. 122/18, s. 8; O. Reg. 237/21, s. 1.

34.5 (1) Every producer of cow's milk shall ensure that the carcass of any dairy cattle is disposed of within 48 hours of the animal's death in accordance with the applicable requirement under Ontario Regulation 106/09 (Disposal of Dead Farm Animals) made under the *Nutrient Management Act, 2002*. O. Reg. 122/18, s. 8.

(2) Prior to disposing of the carcass of any dairy cattle, the producer shall ensure that the carcass is kept away from public view and from any live animals and is not kept in any of the following places:

1. Any building or premises in which dairy cattle are stabled or milked.
2. A tank-truck loading area.
3. A farm lane. O. Reg. 122/18, s. 8.

(3) In subsection (2),

"farm lane" means a laneway used by a tank-truck to travel from a public roadway to the tank-truck loading area on the premises of a producer of cow's milk. O. Reg. 122/18, s. 8.

TRANSPORTERS

35. (1) No person shall transfer milk from a farm bulk tank, except the holder of a bulk tank milk grader's certificate or an apprentice bulk tank milk grader's certificate. R.R.O. 1990, Reg. 761, s. 35 (1).

(2) No person shall transfer milk to or from a tank-truck except by means of a hose. R.R.O. 1990, Reg. 761, s. 35 (2).

36. (1) No person shall transport milk from a farm bulk tank except,

- (a) in a tank-truck; or
- (b) in cases where the milk is transported by a person who is a producer and processor, via pipes or hoses or in a tank vehicle, if the Director has determined that the pipes, hoses or tank vehicle provide a similar level of protection from contamination to that of a tank-truck. O. Reg. 152/23, s. 2.

(2) No person shall operate a tank-truck for the transportation of milk except a tank-truck equipped with,

- (a) a tank with an inside lining of stainless steel;
- (b) an insulated dust-tight cabinet constructed of stainless steel for the holding of milk hose, a pump and other equipment used in transferring milk to or from the tank-truck;
- (c) an insulated dust-tight cabinet for the holding of samples of milk and a means by which the samples are maintained at a temperature of not less than 1°C and not more than 4°C;

- (d) a hose that has smooth surfaces, is readily cleaned, is not toxic and does not affect the flavour of milk that comes in contact with the hose; and
- (e) spray-ball equipment for cleaning and sanitizing, by means of the continuous circulation of a cleaning fluid and a sanitizing fluid, all surfaces that come in contact with milk. R.R.O. 1990, Reg. 761, s. 36 (2).

37. (1) Before transferring any milk from a conventional bulk tank to a tank-truck or transferring any milk to a means described in clause 36 (1) (b), a bulk tank milk grader shall,

- (a) examine the milk in the bulk tank to determine if it must be rejected under subsection 51 (1); and
- (b) in the case of cow's milk, take the temperature of the milk in accordance with subsection (1.0.1) to determine if it must be rejected under subsection 51 (4). O. Reg. 901/21, s. 11 (1); O. Reg. 152/23, s. 3 (1).

(1.0.0.1) Before leaving a producer's premises with milk transferred from a vertical bulk tank or before completing the transfer of milk by a means described in clause 36 (1) (b) from a vertical bulk tank, a bulk tank milk grader shall,

- (a) examine the milk to determine if it must be rejected under subsection 51 (1); and
- (b) in the case of cow's milk, take the temperature of the milk in accordance with subsection (1.0.1) to determine if it must be rejected under subsection 51 (4). O. Reg. 901/21, s. 11 (1); O. Reg. 152/23, s. 3 (2).

(1.0.1) A bulk tank milk grader shall take the temperature of cow's milk in accordance with the following procedures:

1. The temperature of the milk shall not be taken until the agitator has been in operation for at least two minutes or such longer period of time as is necessary for the milk to be thoroughly mixed.
2. The temperature shall be taken a first time,
 - i. by reading the temperature displayed on the time temperature recorder for the bulk tank described in section 34.1, or
 - ii. if the time temperature recorder for the bulk tank has not displayed the temperature at the time the milk is picked up from the bulk tank, with an accurate hand thermometer with a stainless steel stem supplied by the bulk tank milk grader.
3. If the temperature taken under paragraph 2 is higher than 10°C, the temperature shall be taken a second time with an accurate hand thermometer described in subparagraph 2 ii. O. Reg. 272/12, s. 1 (1).

(1.0.2) If, after examining milk or taking the temperature of the milk under subsection (1) or (1.0.0.1), the bulk tank milk grader determines that the milk must be rejected in accordance with subsection 51 (1) or (4), he or she shall refuse to transfer the milk or, if the transfer has already begun, cease to transfer the milk, and shall,

- (a) attach to the tank a rejection tag showing the reason for the rejection;
- (b) attempt to notify the producer; and
- (c) notify the marketing officer of the marketing board as soon as possible. O. Reg. 272/12, s. 1 (1); O. Reg. 901/21, s. 11 (2).

(1.0.3) For greater certainty, a bulk tank milk grader may determine that milk must be rejected in accordance with subsection 51 (1) as a result of observations that he or she makes during or after the transfer of milk and, if such a determination is made, subsection (1.0.2) applies. O. Reg. 272/12, s. 1 (1); O. Reg. 901/21, s. 11 (3).

(1.1) Where there are two farm bulk tanks for cow's milk in a milk house, and a bulk tank milk grader rejects milk in a tank under subsection (1.0.2), the bulk tank milk grader shall add a harmless food colouring to the tank containing the rejected milk. O. Reg. 392/99, s. 8; O. Reg. 272/12, s. 1 (2); O. Reg. 901/21, s. 11 (4); O. Reg. 152/23, s. 3 (3).

(2) Where a producer receives a rejection tag, the marketing board may apply to the operator of a plant for acceptance of the milk for which the rejection tag was issued. O. Reg. 348/95, s. 5 (2).

(3) Where the bulk tank milk grader rejects milk in a farm bulk tank under subsection (1.0.2), the producer shall not market the milk unless authorized to do so by the marketing board. O. Reg. 348/95, s. 5 (2); O. Reg. 272/12, s. 1 (3).

(4) REVOKED: O. Reg. 302/04, s. 2 (2).

38. (1) No bulk tank milk grader shall transfer milk from a farm bulk tank without determining the volume of the milk in the tank.
R.R.O. 1990, Reg. 761, s. 38 (1).

(2) The bulk tank milk grader, when recording the volume of milk in a farm bulk tank, shall not record a volume in excess of that for which the tank has been calibrated nor for which the gauge rod or other measuring device has been graduated. R.R.O. 1990, Reg. 761, s. 38 (2).

(3) The bulk tank milk grader, immediately after determining the volume of the milk in a farm bulk tank, shall make a report to the producer showing,

- (a) the date;
- (b) the volume of milk in the tank;
- (c) the reading of the gauge rod or other measuring device; and
- (d) the temperature of the milk determined by,
 - (i) in the case of cow's milk, the procedure described in subsection 37 (1.0.1), and
 - (ii) in the case of goat's milk, an accurate hand thermometer with a stainless steel stem supplied by the bulk tank milk grader. R.R.O. 1990, Reg. 761, s. 38 (3); O. Reg. 272/12, s. 2.

(4) Immediately after determining the volume of the milk in a farm bulk tank, the bulk tank milk grader shall start the agitator.
R.R.O. 1990, Reg. 761, s. 38 (4).

(5) The bulk tank milk grader shall take a sample in accordance with the following:

1. In the case of milk in a conventional bulk tank, after the agitator has been in operation for at least two minutes but in any case as long as is necessary for the milk to be thoroughly mixed, the bulk tank milk grader shall do one of the following:
 - i. Take a sample of the milk with a sampling pipette or, if a sampling pipette cannot be used, a sanitized long-handled dipper.
 - ii. Take a sample of the milk using a method that has been approved by the Director.
2. In the case of milk in a vertical bulk tank, after the agitator has been in operation for at least two minutes but in any case as long as is necessary for the milk to be thoroughly mixed, the bulk tank milk grader shall take a sample of the milk using a method that has been approved by the Director. O. Reg. 901/21, s. 12.

(5.1) The Director shall not approve a method for the purposes of subsection (5) unless it is an aseptic method of sample collection which produces a sample that is representative of the contents of the bulk tank. O. Reg. 901/21, s. 12.

(6) A sample of milk taken under subsection (5) shall be in the amount that is necessary to permit sample testing and approved by the Director. O. Reg. 185/10, s. 1 (1).

(6.1) The bulk tank milk grader shall place each sample of milk, other than goat's milk, taken under subsection (5) into a container which shall be closed and clearly identified with a unique number so that the sample can be associated with the producer's licence and the bulk tank from which the sample was taken. O. Reg. 302/04, s. 3 (1).

(7) The bulk tank milk grader shall place each sample of goat's milk taken under subsection (5) into a container which shall be closed and clearly marked with the name or number of the producer of the goat's milk. O. Reg. 302/04, s. 3 (2).

(8) Immediately after putting the samples of milk into a container in accordance with subsection (7), the bulk tank milk grader shall place each container into a plastic insert that is filled with a mixture of ice and water and that is held in a clean, fully insulated carrying case. R.R.O. 1990, Reg. 761, s. 38 (8).

- (9) The bulk tank milk grader shall, after completely transferring the milk from a farm bulk tank to a tank-truck or completely transferring the milk to a means described in clause 36 (1) (b), rinse the farm bulk tank with cold or lukewarm water from the hose with attached nozzle provided by the producer. R.R.O. 1990, Reg. 761, s. 38 (9); O. Reg. 152/23, s. 4 (1).
- (10) Where the bulk tank milk grader is unable to transfer all the milk from a farm bulk tank to a tank-truck or to a means described in clause 36 (1) (b), the grader shall, on the same day, return for the rest of the milk or notify the milk marketing board that he or she is unable to return. R.R.O. 1990, Reg. 761, s. 38 (10); O. Reg. 152/23, s. 4 (2).
- (11) The bulk tank milk grader shall provide enough ice to fill the plastic insert and shall keep each sample of milk refrigerated therein until it is placed in a refrigerated sample cabinet at a sample storage depot. R.R.O. 1990, Reg. 761, s. 38 (11).
- (12) As soon as possible, but no later than 24 hours after the sample was taken, the bulk tank milk grader shall place the sample in a sample rack, mark the rack in a manner approved by the Director and place the rack in a refrigerated sample cabinet. O. Reg. 185/10, s. 1 (2).
- (13) Until the sample is tested, it shall be maintained at a temperature not lower than 0°C and not higher than 4°C. O. Reg. 185/10, s. 1 (2).
- (14) No person shall put into a sample of milk,
- (a) any foreign substance; or
 - (b) any milk other than milk from the same producer. R.R.O. 1990, Reg. 761, s. 38 (14).
- (15) Every sample storage depot shall contain a segregated area with enough room to label sample racks and store samples for five days. R.R.O. 1990, Reg. 761, s. 38 (15); O. Reg. 185/10, s. 1 (3).
- (16) A sample storage depot shall be equipped with,
- (a) adequate mechanical refrigeration capacity for sample storage;
 - (b) an impervious table top for labelling sample racks;
 - (c) adequate lighting and ventilation;
 - (d) a source of ice;
 - (e) storage facilities for sample containers, labels, sample racks and pipettes in numbers satisfactory to the Director; and
 - (f) sample cabinets, each equipped with a device that logs and indicates time and temperature. R.R.O. 1990, Reg. 761, s. 38 (16); O. Reg. 185/10, s. 1 (4).
- (17) The owner of a sample storage depot shall maintain the area,
- (a) in a clean and orderly manner; and
 - (b) at a temperature higher than 0°C. R.R.O. 1990, Reg. 761, s. 38 (17).
- (18) Samples shall be kept in a sample storage depot and shall be available for pick-up and transport to a laboratory 24 hours a day or during the hours approved by the Director for each sample storage depot. O. Reg. 185/10, s. 1 (5).
- (19) The owner of a sample storage depot shall keep for a period of ninety days official receipts in a form approved by the Director showing,
- (a) the date and time;
 - (b) the number of sample racks picked up;
 - (c) the number of special samples; and
 - (d) the signature of the person picking up the sample racks. R.R.O. 1990, Reg. 761, s. 38 (19).

38.1 The producer shall ensure that no person begins to transfer milk from the farm bulk tank to a tank-truck or to a means described in clause 36 (1) (b) if the producer has knowledge that the milk contains an inhibitor or foreign substance. O. Reg. 122/18, s. 9; O. Reg. 152/23, s. 5.

39. (1) Subject to subsection (2), the operator of a tank-truck shall, immediately after each load is emptied, thoroughly clean and sanitize all surfaces of the tank-truck that come in contact with milk. R.R.O. 1990, Reg. 761, s. 39 (1).

(2) Where more than one load of milk is emptied from a tank-truck in any one day, the operator of the tank-truck shall, immediately after the last load of milk is emptied, thoroughly clean and sanitize all surfaces of the tank-truck that come in contact with milk. R.R.O. 1990, Reg. 761, s. 39 (2).

(3) The cleaning and sanitizing prescribed by subsections (1) and (2) shall be carried out at a tank-truck wash station or a milk transfer station. R.R.O. 1990, Reg. 761, s. 39 (3).

(4) After each cleaning and sanitizing of a tank-truck at a tank-truck wash station, the operator of the tank-truck shall,

(a) determine by inspection that the tank-truck is clean and sanitary; and

(b) keep a record of such cleaning and sanitizing in a form approved by the Director and retain such record for a period of ninety days. R.R.O. 1990, Reg. 761, s. 39 (4).

(5) Where the pick-up of a load of milk is not completed in one day, the operator of the tank-truck shall thoroughly clean and sanitize the pump and hose after the final pick-up on the first day or prior to use on the second day. R.R.O. 1990, Reg. 761, s. 39 (5).

(6) Every operator of a tank-truck shall maintain in a clean condition all surfaces of the tank-truck that do not come in contact with milk. R.R.O. 1990, Reg. 761, s. 39 (6).

40. (1) Every plant shall be equipped with or the operator thereof shall have readily available a tank-truck wash station that complies with sections 41, 42 and 43. R.R.O. 1990, Reg. 761, s. 40 (1).

(2) The use of a tank-truck wash station and the equipment and materials for cleaning and sanitizing tank-trucks shall be made available by the operator of a plant without charge to operators of tank-trucks delivering milk to the plant. R.R.O. 1990, Reg. 761, s. 40 (2).

(3) The operator of a plant is not required to provide personnel to clean and sanitize tank-trucks, but is responsible for the safe and proper functioning of tank-truck washing equipment. R.R.O. 1990, Reg. 761, s. 40 (3).

(4) The uses of a tank-truck wash station and the equipment and materials at a plant are restricted to cleaning and sanitizing the interior of tanks and equipment thereon and washing the outside of tank-trucks. R.R.O. 1990, Reg. 761, s. 40 (4).

41. (1) Owners of milk transfer stations and plants providing tank-truck washing facilities shall post on the wall of the facility in a prominent place the procedure to be used for cleaning a tank-truck including,

(a) the quantities of washing compound and water used in the washing cycle;

(b) the maximum and minimum water temperatures used in the washing cycle;

(c) the length of time used in the washing cycle;

(d) the quantities of sanitizer and water used in the sanitizing cycle;

(e) the manufacturer's names for the washing and sanitizing compounds used;

(f) the instructions as to the procedures to be used in operating the equipment for cleaning the tank-truck; and

(g) the name of and the procedure for contacting the person to be contacted in the event of equipment failure or other information being required to operate the wash-up facilities. R.R.O. 1990, Reg. 761, s. 41 (1).

(2) The temperature of the water used in the washing cycle shall not be higher than 60°C nor lower than that recommended by the manufacturer of the washing compound. R.R.O. 1990, Reg. 761, s. 41 (2).

(3) The temperature of the water used in the sanitizing cycle shall not be higher than,

- (a) the temperature of the cold water supply; or
- (b) 10°C,

whichever is less. R.R.O. 1990, Reg. 761, s. 41 (3).

(4) Information regarding the use of acidified wash or rinse shall be posted in addition to the information required under subsection (1). R.R.O. 1990, Reg. 761, s. 41 (4).

(5) A tank-truck shall not be washed with acidified wash more than once a week. R.R.O. 1990, Reg. 761, s. 41 (5).

42. (1) Every tank-truck wash station shall,

- (a) have clear space sufficient for cleaning and sanitizing tank-trucks;
- (b) have a floor that,
 - (i) is capable of supporting tank-trucks without sagging or heaving,
 - (ii) has a smooth surface that is impermeable to liquids, and
 - (iii) has a minimum 2 per cent slope towards the floor drain;
- (c) have a drain that can be maintained in a sanitary condition located in the floor in an open position with a diameter of at least 15 centimetres and that is capable of draining any liquids from the floor;
- (d) have, under pressure, an adequate supply of potable hot and cold water;
- (e) have a means of lifting the wash hose safely to the top of the tank-truck;
- (f) have an adequate supply of the materials required for cleaning and sanitizing tank-trucks;
- (g) have a properly-functioning device for indicating washing compound content;
- (h) have adequate means for cleaning small parts and the milk hose;
- (i) have a pump with sufficient capacity and pressure to thoroughly clean all surfaces that come in contact with milk;
- (j) have a return pump with a capacity equal to or greater than the capacity of the pump mentioned in clause (i) to remove the cleaning solution;
- (k) have in the wash line on the suction side of the pump a removable pump filter which does not materially impede the flow of wash water;
- (l) have in each tank containing a cleaning or sanitizing solution or in the line leading from the tank a thermometer clearly visible to the operator of a tank-truck; and
- (m) have adequate means of sanitizing all surfaces that come in contact with milk. R.R.O. 1990, Reg. 761, s. 42 (1).

(2) A tank-truck wash station constructed or altered after the 1st day of January, 1988 shall have a door at least 3.7 metres wide and 4.3 metres high. R.R.O. 1990, Reg. 761, s. 42 (2).

43. (1) Only washing compounds, wetting agents, sanitizing agents or other similar materials that are recommended by the manufacturers thereof for the cleaning or sanitizing of tank-trucks shall be used. R.R.O. 1990, Reg. 761, s. 43 (1).

(2) The materials mentioned in subsection (1) shall,

- (a) be used in the manner recommended by the manufacturers; and

(b) be prepared and maintained for use by the operator of the tank-truck wash station. R.R.O. 1990, Reg. 761, s. 43 (2).

44. (1) No person shall transport milk or cream for manufacture into a milk product in a tank-truck other than a tank-truck having a tank with an inside lining of stainless steel that is free from rust, open seams and other mechanical defects. R.R.O. 1990, Reg. 761, s. 44 (1).

(2) No operator of a plant shall receive milk or cream delivered to the plant in a tank-truck other than a tank-truck having a tank with an inside lining of stainless steel that is free from rust, open seams and other mechanical defects. R.R.O. 1990, Reg. 761, s. 44 (2).

(3) No transporter shall engage in the purchasing or selling of milk or the trafficking in milk unless so authorized by the marketing board. O. Reg. 348/95, s. 6.

45.-47. REVOKED: O. Reg. 61/22, s. 3.

MILK GRADING, TESTS AND PENALTIES

48. (1) Subject to subsection (2), no person other than a bulk tank milk grader shall accept, grade, reject, measure or sample, or supervise the accepting, grading, rejecting, measuring or sampling of milk from a farm bulk tank. R.R.O. 1990, Reg. 761, s. 48 (1); O. Reg. 901/21, s. 13.

(2) An apprentice bulk tank milk grader may accept, grade, reject, measure or sample milk while supervised by a bulk tank milk grader. R.R.O. 1990, Reg. 761, s. 48 (2).

49. (1) Milk rejected at a plant or at a farm bulk tank shall be known as "rejected milk". R.R.O. 1990, Reg. 761, s. 49 (1).

(2) No person shall sell, offer for sale, transport or deliver rejected milk for use as food, or in the preparation of food, for human consumption unless so authorized by the marketing board. O. Reg. 348/95, s. 7.

(3) No person shall remove a rejection tag from a farm bulk tank unless authorized to do so by the marketing board or the Director or until the milk for which the rejection tag was issued has been dumped and the farm bulk tank has been washed and sanitized. O. Reg. 348/95, s. 7.

50. (1) Subject to subsection (2), no person other than a plant milk grader shall accept, grade, reject, measure or sample milk received in a plant or supervise the accepting, grading, rejecting, measuring or sampling of milk received in a plant. O. Reg. 61/22, s. 4.

(2) An apprentice plant milk grader may accept, grade, reject, measure or sample milk under the supervision of a plant milk grader. O. Reg. 61/22, s. 4.

(3) The plant milk grader shall accept or reject milk delivered by a tank-truck before any of the milk is removed from the tank-truck for any purpose other than testing. O. Reg. 61/22, s. 4.

51. (1) A plant milk grader or a bulk tank milk grader shall reject milk that,

- (a) is not clean;
- (b) has an objectionable flavour or odour;
- (c) shows evidence of being watery, flaky, stringy, bloody, thick or adulterated;
- (d) shows evidence of melted or churned fat floating on the surface of the milk; or
- (e) contains any foreign substance. R.R.O. 1990, Reg. 761, s. 51 (1); O. Reg. 61/22, s. 5 (1).

(1.1) A bulk tank milk grader shall reject milk if any of the requirements relating to the milk house set out in subsection 12 (3) are not satisfied and, as a result, the bulk tank milk grader is unable to carry out an adequate visual inspection of the milk or to properly assess the flavour or odour of the milk, as is required to grade the milk. O. Reg. 122/18, s. 11; O. Reg. 61/22, s. 5 (2).

(2) A plant milk grader shall reject milk that contains an inhibitor when tested by an official method at a laboratory approved by the Director. R.R.O. 1990, Reg. 761, s. 51 (2); O. Reg. 61/22, s. 5 (3).

(3) A plant milk grader may reject cow's milk that is delivered to a plant if,

- (a) the temperature of the milk is taken with an accurate thermometer upon delivery at the plant; and
- (b) the temperature of the milk is found to be higher than 6°C. O. Reg. 35/12, s. 1; O. Reg. 61/22, s. 5 (4).

(4) The bulk tank milk grader shall reject cow's milk if, upon taking the temperature of the milk under clause 37 (1) (b), it is found to be higher than 10°C. O. Reg. 272/12, s. 3.

52. (1) The milk of every producer,

- (a) shall be tested for bacterial content by an official method at least once each month;
- (b) may be tested at any time by an official method for the presence of an inhibitor; and
- (c) may be tested at any time by an official method to determine if the milk has an abnormal freezing point as described in subsection (5). O. Reg. 122/18, s. 12 (1); O. Reg. 237/21, s. 2 (1).

(1.1) A test under subsection (1) shall take place at a laboratory approved by the Director. O. Reg. 185/10, s. 2 (1).

(2) The bacterial content for milk shall not exceed the following amounts:

- 1. For each millilitre of cow's milk, 50,000 colony forming units of bacteria (or 121,000 individual bacteria count).
- 2. For each millilitre of goat's milk, 50,000 colony forming units of bacteria (or 321,000 individual bacteria count). O. Reg. 122/18, s. 12 (2).

(3) At least once in each month, the milk of every producer shall be tested for somatic cell content by an official method at a laboratory approved by the Director. O. Reg. 237/21, s. 2 (2).

(4) The somatic cell count for milk shall not exceed the following amounts:

- 1. For each millilitre of cow's milk, 400,000 somatic cells.
- 2. For each millilitre of goat's milk, 1,500,000 somatic cells. O. Reg. 122/18, s. 12 (3).

(5) The following freezing point test readings are abnormal freezing points:

- 1. For cow's milk, -0.506°C or higher.
- 2. For goat's milk, -0.534°C or higher. O. Reg. 122/18, s. 12 (3).

53. (1) Where a producer is aggrieved by the result of any test made under section 52, 54 or 57, or by the finding of a fieldperson under subsection 55 (5), the producer may so notify the Director and the Director shall, without a hearing, consider the matter and decide whether the result or finding should be confirmed, varied or rescinded. O. Reg. 139/09, s. 5.

(2) The Director shall provide written notice of the decision to the following:

- 1. The producer.
- 2. The director of the Food Inspection Branch of the Ministry of Agriculture, Food and Rural Affairs, or an alternate named by him or her.
- 3. The marketing board. O. Reg. 139/09, s. 5.

54. (1) Where milk of a producer is tested under section 52 and found to contain an inhibitor, a fieldperson shall place under detention all milk of the producer. R.R.O. 1990, Reg. 761, s. 54 (1).

(2) If the milk of a producer is placed under detention under subsection (1), a fieldperson shall take and test the necessary samples of milk by an official method in order to determine if the sample contains an inhibitor. O. Reg. 185/10, s. 3.

(3) The results of the testing of a sample under subsection (2) shall be made known to the producer within twenty-four hours of the time the milk was placed under detention. R.R.O. 1990, Reg. 761, s. 54 (3).

(4) Where the testing of a sample under subsection (2) shows that the milk does not contain an inhibitor, the fieldperson shall release the milk from detention. R.R.O. 1990, Reg. 761, s. 54 (4).

(5) Where the testing of a sample under subsection (2) shows the presence of an inhibitor, the fieldperson shall,

- (a) notify the marketing board that the milk from which the sample was taken shall not be marketed;
- (b) take such steps and make such orders as are considered necessary to ensure that such milk is not used for food, or in the preparation of food, for human consumption; and
- (c) maintain the detention, sampling and testing of the milk of the producer until such time as the testing shows that the milk does not contain an inhibitor. R.R.O. 1990, Reg. 761, s. 54 (5); O. Reg. 348/95, s. 9.

(6) Upon receiving notice under clause (5) (a), the milk marketing board shall notify the operator of the tank-truck that the milk from which the sample was taken shall not be marketed. R.R.O. 1990, Reg. 761, s. 54 (6).

55. (1) The producer of milk that is tested for bacterial content under section 52 in any given month is liable to a penalty in accordance with subsection (2.0.1) if,

- (a) the bacterial content is found in a test in that month to exceed the amount specified in subsection 52 (2); and
- (b) the bacterial content was also found to exceed the amount specified in subsection 52 (2) in at least 40 per cent of all of the tests conducted on the producer's milk in a three-month period that includes,
 - (i) the month in which the test referred to in clause (a) was conducted, and
 - (ii) the two months preceding the month described in subclause (i). O. Reg. 122/18, s. 13 (1).

(1.1) REVOKED: O. Reg. 122/18, s. 13 (1).

(2) The producer of milk that is tested for somatic cell count under section 52 in any given month is liable to a penalty in accordance with subsection (2.0.1) if,

- (a) the somatic cell count is found in a test in that month to exceed the amount specified in subsection 52 (4); and
- (b) the somatic cell count was also found to exceed the amount specified in subsection 52 (4) in at least 40 per cent of all of the tests conducted on the producer's milk in a three-month period that includes,
 - (i) the month in which the test referred to in clause (a) was conducted, and
 - (ii) the two months preceding the month described in subclause (i). O. Reg. 122/18, s. 13 (1).

(2.0.1) The amount of a penalty imposed under subsection (1) or (2) is as follows with respect to any milk marketed by the producer in the month in which the relevant test referred to in the subsection was conducted:

1. \$3 for each hectolitre of milk marketed, in the case of a first penalty incurred within a 12-month period.
2. \$4 for each hectolitre of milk marketed, in the case of a second penalty incurred within a 12-month period.

3. \$5 for each hectolitre of milk marketed, in the case of a third or subsequent penalty incurred within a 12-month period. O. Reg. 122/18, s. 13 (1).

(2.1) If the monthly test required under section 52 is not taken or the result is missing for one month or two consecutive months, the tests taken in the months immediately preceding and following the missing month or months are considered to be consecutive for purposes of subsections (1) and (2). O. Reg. 108/97, s. 2.

(2.2) Despite subsection (2.1), the missing months are not excluded from the 12-month period referred to in subsections (1) and (2). O. Reg. 108/97, s. 2.

(2.3) Despite subsections (1) and (2), no penalty is payable by a producer with respect to milk that is tested for bacterial content or somatic cell count under section 52 during the two-month period that begins on May 1, 2018. O. Reg. 122/18, s. 13 (2).

(3) Where the milk of a producer is tested under section 52 and found to contain an inhibitor, the producer is, in respect of the milk marketed in the same month as the milk that was tested, liable to a penalty of,

- (a) \$6 for each hectolitre of milk marketed, in the case of a first penalty incurred within a 12-month period;
- (b) \$9 for each hectolitre of milk marketed, in the case of a second penalty incurred within a 12-month period; and
- (c) \$12 for each hectolitre of milk marketed, in the case of a third or subsequent penalty incurred within a 12-month period.
- (d) REVOKED: O. Reg. 7/92, s. 2 (1).

R.R.O. 1990, Reg. 761, s. 55 (3); O. Reg. 7/92, s. 2 (1); O. Reg. 534/92, s. 1; O. Reg. 122/18, s. 13 (3); O. Reg. 61/22, s. 6.

(3.1) If a truckload of milk cannot be marketed because of the presence of an inhibitor and the milk of a producer with milk in the truckload is tested under section 52 and found to contain an inhibitor, the producer is liable to the marketing board in an amount equal to the value of the milk damaged plus the cost, including transportation costs, of disposing of the milk. O. Reg. 406/96, s. 1 (1); O. Reg. 901/21, s. 14 (1).

(3.2) If a truckload of milk cannot be marketed because of the presence of a foreign substance, and the milk of a producer with milk in the truckload is found to contain the foreign substance, the producer is liable to the marketing board in an amount equal to the value of the milk damaged plus the cost, including transportation costs, of disposing of the milk. O. Reg. 634/00, s. 4 (1); O. Reg. 901/21, s. 14 (2).

(3.2.1) If a truckload of milk containing milk transferred from a vertical bulk tank cannot be marketed because the milk is rejected under subsection 51 (1), the producer who stored milk in the vertical bulk tank is liable to the marketing board in an amount equal to the value of the milk damaged plus the cost, including transportation costs, of disposing of the milk. O. Reg. 901/21, s. 14 (3).

(3.2.2) Subsection (3.2.1) does not apply if,

- (a) the truckload contains milk from a producer other than the producer who stored milk in the vertical bulk tank; and
- (b) the milk from the other producer is found to be the cause of the milk having been rejected. O. Reg. 901/21, s. 14 (3).

(3.3) If more than one producer is liable under subsection (3.1), (3.2) or (3.2.1) in respect of the same truckload, each producer is liable in the same proportion that the producer's milk has to the volume of the damaged milk. O. Reg. 634/00, s. 4 (1); O. Reg. 901/21, s. 14 (4, 5).

(3.4) Subsections (3.2), (3.2.1) and (3.3) do not apply to the extent that the marketing board agrees to accept responsibility for the value of the damaged milk and the costs of disposing of the milk identified in those subsections. O. Reg. 901/21, s. 14 (6).

(4) The producer of milk that is tested for its freezing point under section 52 is liable to a penalty in an amount determined under subsection (4.1) if,

- (a) the tested milk is found to have an abnormal freezing point; and

(b) where the producer's milk was sampled previously and found to have an abnormal freezing point, at least 18 days elapsed between the previous sampling and the sampling that led to the finding referred to in clause (a). O. Reg. 122/18, s. 13 (4).

(4.1) The amount of a penalty imposed under subsection (4) is as follows with respect to any milk marketed by the producer in the month in which the milk sample that gave rise to the penalty was taken:

1. \$3 for each hectolitre of milk marketed, in the case of a first or second penalty incurred within a 12-month period.
2. \$4 for each hectolitre of milk marketed, in the case of a third penalty incurred within a 12-month period.
3. \$5 for each hectolitre of milk marketed, in the case of a fourth or subsequent penalty incurred within a 12-month period. O. Reg. 122/18, s. 13 (4).

(4.2) Despite paragraph 1 of subsection (4.1), the Director shall waive the payment of a first penalty incurred within a 12-month period in respect of a finding of an abnormal freezing point and shall notify the producer of the finding. O. Reg. 122/18, s. 13 (4).

(4.3) Despite subsections (4) and (4.1), where an abnormal freezing point in a producer's milk is found in testing carried out under section 52 for the first time after May 1, 2018,

- (a) the Director shall waive the payment of the penalty by the producer and shall notify the producer of the finding; and
- (b) any further findings of abnormal freezing points shall be subject to a penalty and the amount of the penalty shall be determined under subsection (4.1) taking into account all previous penalties incurred in the previous 12-month period, including the penalty waived under clause (a). O. Reg. 122/18, s. 13 (4).

(5) Where a fieldperson finds that the milk of a producer is produced from animals or on premises that do not comply with sections 3 to 34.1 or with equipment that does not comply with those sections, or that the producer has not complied with sections 34.2 to 34.5, the producer is, in respect of the milk marketed during the month the finding of non-compliance is made, liable to a penalty of,

- (a) \$2 for each hectolitre of milk marketed, in the case of a first penalty incurred within a 12-month period;
- (b) \$4 for each hectolitre of milk marketed, in the case of a second penalty incurred within a 12-month period; and
- (c) \$8 for each hectolitre of milk marketed, in the case of a third or subsequent penalty incurred within a 12-month period. O. Reg. 122/18, s. 13 (4).

(6) Any penalty to which a producer is liable in any month under subsections (1) to (5) is in addition to any penalty that may be levied under any other of the said subsections. R.R.O. 1990, Reg. 761, s. 55 (6).

(7) If a producer incurs four penalties or more under subsection (1), (2), (4) or (5) within a 12-month period, including any penalty the payment of which was waived under subsection (4.2) or (4.3), or incurs two penalties or more under subsection (3) within a 12-month period,

- (a) the Director shall notify the marketing board and the producer of that fact in writing; and
- (b) the milk of the producer shall not be marketed until the producer satisfies the Director that the milk is being produced in compliance with sections 3 to 34.5 and that the milk satisfies the tests described in section 52. O. Reg. 122/18, s. 13 (5).

(7.1) REVOKED: O. Reg. 122/18, s. 13 (5).

(8) A notice given to a producer under subsection (7) shall,

- (a) notify the producer that the milk shall not be marketed for the reasons set out in the notice; and
- (b) give particulars respecting the duration of the rejection. O. Reg. 122/18, s. 13 (5).

(9) If the milk of a producer is rejected under subsection (7), the producer is also liable to pay the amount that the producer is otherwise liable to pay under subsection (1), (2), (3), (3.1), (4) or (5). O. Reg. 122/18, s. 13 (5); O. Reg. 901/21, s. 14 (7).

(10)-(12) REVOKED: O. Reg. 122/18, s. 13 (5).

- 56.** (1) Where a producer becomes liable to a penalty under section 55 in respect of milk marketed in any month,
- (a) the Director shall give notice in writing to the producer of the penalty payable and the method of calculation of the penalty;
 - (b) the producer shall pay the penalty to the marketing board on or before the 15th day of the next month; and
 - (c) the marketing board shall collect the penalty from the producer. O. Reg. 348/95, s. 11; O. Reg. 185/10, s. 5.
- (2) The marketing board shall,
- (a) pay the penalties into a fund established for that purpose; and
 - (b) use the fund for the purpose of paying its expenses, carrying out and enforcing the Act and the regulations and carrying out the purposes of the Ontario Milk and Farm-Separated Cream Plan. O. Reg. 348/95, s. 11.
- 57.** (1) Every sample of milk referred to in section 38 that is to be tested shall be tested for kilograms per hectolitre of milk-fat, milk-protein and other milk solids. O. Reg. 788/91, s. 1.
- (2) Every sample shall be tested, no later than seven days after the day the sample is taken, by an infrared milk analyzer at a laboratory approved by the Director. O. Reg. 24/96, s. 1; O. Reg. 302/04, s. 4.
- (3) The weighted average of the milk-fat content, milk-protein content and other milk solids content of a representative number of the samples shall be deemed to be the milk-fat content, milk-protein content and other milk solids content of the milk from which the samples are taken. O. Reg. 788/91, s. 1.
- 58., 58.1** REVOKED: O. Reg. 185/10, s. 6.
- 58.2** Despite the revocation of sections 58 and 58.1 of this Regulation by section 6 of Ontario Regulation 185/10, the marketing board and the operator of a plant shall continue to pay fees in accordance with those sections with respect to samples of milk taken before June 1, 2010. O. Reg. 185/10, s. 7.

59.-76. REVOKED: O. Reg. 61/22, s. 7.

CONSTRUCTION OF PLANTS

- 77.** (1) The construction or alteration of a building intended for use as a plant shall be made so that,
- (a) the floors of all rooms in which milk or milk products are handled, processed or stored are of concrete or other material impervious to liquids and, except if there is no risk of liquid accumulation on the floor, have adequate slope towards a floor drain;
 - (b) each room in which milk or milk products are processed or stored has a trapped drain capable of draining any liquids from the floor, except if there is no risk of liquid accumulation on the floor;
 - (c) each wall in a room in which milk or milk products are handled, processed or stored has a base at least 15 centimetres above the floor level made of concrete or other waterproof material, and the joint between the floor and the base is watertight;
 - (d) moisture accumulation on ceilings, walls, overhead lines and overhead equipment is avoided when the plant is operational;
 - (e) the surfaces of the walls and ceilings of all rooms in which milk or milk products are handled, processed or stored are of washable and moisture-proof material;
 - (f) there is provision for equipping all openings with screens or other approved equipment capable of preventing the entry of flies or other insects and all doors with self-closing devices or equivalent methods of ensuring that flies or other insects do not enter;
 - (g) rooms where milk and cream are handled or processed contain provision for lighting that is shatterproof or covered with a protective shield, ventilating and heating;
 - (h) the ceilings in the plant are insulated and sealed against infiltration of dampness or vapour, with free circulation of air between the insulation and the roof;

- (i) a washroom does not open directly into a room where milk or milk products are handled or processed and doors are equipped with a self-closing device;
 - (j) sewage is carried from the building by pipes, each of which contains a trap in an accessible location and connects with a municipal sewer or septic tank;
 - (k) any heating unit is located in a room that has a concrete floor and that is not used for the handling, processing or storing of milk or milk products;
 - (l) in the case of,
 - (i) a cheese factory, there is a curing room large enough for the operation intended, and
 - (ii) REVOKED: O. Reg. 61/22, s. 8 (1).
 - (iii) a building intended for use as a plant for the manufacture of milk products, there are storage rooms large enough for the operation intended.
 - (m) receiving rooms for milk are enclosed and of sufficient size to permit freedom of movement in receiving, grading, sampling and handling of milk and, where applicable, the washing and sanitizing of tank-trucks in accordance with sections 40, 41, 42 and 43 and the washing of containers;
 - (n) plants receiving milk have a pump capable of unloading milk from a tank-truck;
 - (o) receiving rooms for milk have a door at least 3.7 metres wide and 4.3 metres high; and
 - (p) rodents and other vermin do not enter or remain on the premises. R.R.O. 1990, Reg. 761, s. 77 (1); O. Reg. 202/19, s. 4; O. Reg. 61/22, s. 8 (1-4).
- (2) The construction of a building intended for use as a plant or an alteration to increase the incoming milk capacity of such a building shall be made so that,
- (a) REVOKED: O. Reg. 61/22, s. 8 (5).
 - (b) in the case of a plant purchasing milk from the marketing board, there is, subject to subsection (3),
 - (i) an enclosed receiving room, and
 - (ii) an enclosed tank-truck wash station that complies with sections 40, 41, 42 and 43. R.R.O. 1990, Reg. 761, s. 77 (2); O. Reg. 348/95, s. 14; O. Reg. 393/19, s. 1 (1); O. Reg. 61/22, s. 8 (5).
- (3) Clause (2) (b) does not apply to the construction or alteration of a building intended for use as a plant that purchases milk from the marketing board if,
- (a) the maximum volume of milk to be received from the marketing board at the building to be constructed or altered will not exceed 7500 litres in any given day; and
 - (b) a pad is constructed so that a tank-truck can park on it when delivering milk and the pad meets the following requirements:
 - (i) the pad is capable of supporting tank-trucks without sagging or heaving,
 - (ii) the pad has a smooth surface that is impermeable to liquids,
 - (iii) the pad is adequately sized to allow access to the tank-truck for delivery of milk, and
 - (iv) the pad has,
 - (A) an adequate slope towards a drain which is capable of capturing any liquid accumulating on the pad during the normal course of delivery of milk, or
 - (B) a system adequate to prevent the escape into the environment of any liquids accumulating on the pad during the normal course of delivery of milk. O. Reg. 393/19, s. 1 (2).
- (4) The operator of a plant that is exempt under subsection (3) from the requirement of having an enclosed receiving room and an enclosed tank-truck wash station shall,

- (a) ensure that the pad constructed in accordance with clause (3) (b) is maintained so as to continue to meet the requirements of that clause;
- (b) have available for use during the delivery of milk from a tank-truck protections for openings into the tank-truck that are adequate to protect the milk in the tank from contamination; and
- (c) ensure that the volume of milk received at the plant is not increased so as to exceed 7500 litres a day unless the plant is renovated to have an enclosed receiving room and an enclosed tank-truck wash station that complies with sections 40, 41, 42 and 43. O. Reg. 393/19, s. 1 (2).

EQUIPMENT

78. (1) A plant shall be equipped with,

- (a) a wash basin in each area of the plant in which it is necessary to minimize the risk of contamination of milk or milk products;
- (b) a temperature-control system capable of automatically controlling the temperature in each curing-room, cold-storage room or storage room for efficient processing or preserving of milk or milk products therein;
- (c) a boiler or other equipment capable of maintaining a supply of hot water or steam sufficient for processing milk and cream, and hot water for cleaning and sterilizing the equipment and rooms used in receiving, handling, processing or storing milk or milk products; and
- (d) thermometers of shatter-proof material on equipment used in processing, cleaning or sterilizing milk or milk products, capable of recording the temperature of the milk or milk product. R.R.O. 1990, Reg. 761, s. 78 (1); O. Reg. 61/22, s. 9 (1).

(2) REVOKED: O. Reg. 202/19, s. 5.

(3) REVOKED: O. Reg. 61/22, s. 9 (2).

79. (1) Where equipment or containers for handling, processing or storing milk or milk products are of metal, the surfaces likely to come in contact with milk or milk products shall be,

- (a) smooth and anti-corrosive;
- (b) without open seams;
- (c) accessible at all points for scrubbing; and
- (d) made with joints that are flush with adjoining surfaces. R.R.O. 1990, Reg. 761, s. 79 (1).

(2) Wooden equipment used in a plant shall be of sound material with smooth surfaces, and joints or seams shall be sealed. R.R.O. 1990, Reg. 761, s. 79 (2).

(3) Tanks used for storing skim-milk, buttermilk or whey that is not intended for human consumption or for processing milk into milk products for human consumption in a plant,

- (a) shall be of metal construction;
- (b) shall not be located in contact with earth; and
- (c) shall not be used for any other purpose. R.R.O. 1990, Reg. 761, s. 79 (3).

PROCESSING

80. (1) The handling, processing or storing of milk or milk products shall be carried on in such a location and in such a manner that no foreign matter can enter the milk or milk product. R.R.O. 1990, Reg. 761, s. 80 (1); O. Reg. 61/22, s. 10 (1).

(1.1) If there is a risk of liquid accumulation on the floor of a room where milk or milk products are handled, processed or stored, the floors and drains in the room shall be maintained in a manner that allows for the draining of liquids from the floor. O. Reg. 202/19, s. 6; O. Reg. 61/22, s. 10 (2).

(1.2) The handling, processing or storing of milk or milk products shall be carried on in such a location and in such a manner that moisture does not accumulate on ceilings, walls, overhead lines and overhead equipment within the plant. O. Reg. 202/19, s. 6; O. Reg. 61/22, s. 10 (3).

(2) Every person who enters an area of a plant where there is a danger that foreign matter may enter milk or milk products shall wear,

(a) clean clothing without pockets and buttons above the waist and not worn outside the plant; and

(b) appropriate hair and beard coverings. R.R.O. 1990, Reg. 761, s. 80 (2); O. Reg. 61/22, s. 10 (4).

(3) Nothing shall be placed in a milk or milk products storage area that may contaminate or deteriorate the milk or milk products stored in that area. R.R.O. 1990, Reg. 761, s. 80 (3); O. Reg. 61/22, s. 10 (5).

(4) No plant shall contain odours other than those resulting from the handling, processing or storing of milk or milk products. R.R.O. 1990, Reg. 761, s. 80 (4); O. Reg. 61/22, s. 10 (6).

81. (1) Where milk is accepted at a plant and is not used in processing on the day it is received, the milk shall be cooled to a temperature not higher than 5°C and maintained in storage at that temperature until it is used in processing. R.R.O. 1990, Reg. 761, s. 81 (1); O. Reg. 61/22, s. 11 (1).

(2) No milk in storage under subsection (1) shall be used in the processing of a milk product where the milk on removal from storage does not comply with the standards required for milk to be accepted at the plant when delivered to it. R.R.O. 1990, Reg. 761, s. 81 (2); O. Reg. 61/22, s. 11 (2).

(3) No stale or rancid cream, butter, ice cream or ice milk shall be used in the preparation of ice cream mix or ice milk mix or in the processing of ice cream or ice milk. R.R.O. 1990, Reg. 761, s. 81 (3).

PASTEURIZATION

82. Ice cream or ice milk shall be made in one of the following two ways:

1. With ice cream mix or ice milk mix, as the case may be, that has been pasteurized by doing one of the following and then immediately cooling the mix to a temperature not higher than 5°C:
 - i. Heating the mix to a temperature of at least 69°C and maintaining that temperature for not less than 30 minutes.
 - ii. Heating the mix to a temperature of at least 80°C and maintaining that temperature for not less than 25 seconds.
 - iii. Heating the mix to such other temperature and time combination as may be approved by the Director.
2. From pasteurized milk ingredients such that the ice cream or ice milk, as the case may be, satisfies the standards set out for ice cream in paragraph B.08.062 (d) of the *Food and Drug Regulations (Canada)* made under the *Food and Drugs Act (Canada)*. O. Reg. 61/22, s. 12.

83. (1) No person shall use cream in the manufacture of butter at a plant, except cream pasteurized by heating the cream,

(a) to a temperature of at least 77°C and maintaining that temperature for not less than ten minutes;

(b) in a continuous pasteurizer to a temperature of at least 85°C; or

(c) to such other temperature and time combination as may be approved by the Director,

and cooling the cream immediately thereafter to a temperature not higher than the temperature suitable for churning the cream. R.R.O. 1990, Reg. 761, s. 83 (1).

(2) Where a fieldperson tests butter to determine whether the cream used in its manufacture was properly pasteurized, the fieldperson shall make a phosphatase test. R.R.O. 1990, Reg. 761, s. 83 (2).

(3) Where a phosphatase test is made of a sample of butter and the butter serum retains its colour for at least thirty seconds, the cream used in the manufacture of the butter shall be deemed to have been pasteurized. R.R.O. 1990, Reg. 761, s. 83 (3).

84. Where milk delivered to a cheese factory for the purpose of making cheese is pasteurized, the milk shall be pasteurized by heating it,

- (a) to a temperature of at least 62°C and maintaining that temperature for not less than thirty minutes;
- (b) to a temperature of at least 72°C and maintaining that temperature for not less than sixteen seconds; or
- (c) to such other temperature and time combination as may be approved by the Director,

and cooling the milk immediately thereafter to a temperature not higher than the temperature suitable for setting the milk. R.R.O. 1990, Reg. 761, s. 84.

85. (1) No operator of a plant shall deliver skim-milk or whey to a producer of milk or cream except pasteurized skim-milk or whey. R.R.O. 1990, Reg. 761, s. 85 (1).

(2) Skim-milk and whey shall be pasteurized by heating the skim-milk or whey to a temperature of at least 69°C and maintaining that temperature for a period of not less than thirty minutes or to such other temperature and time combination as may be approved by the Director. R.R.O. 1990, Reg. 761, s. 85 (2).

CLEANING AND SANITIZING

86. (1) Every operator of a plant shall ensure that the rooms, facilities, equipment and utensils used in areas of the plant where milk or milk products are handled, processed or stored are thoroughly cleaned and sanitized as often as necessary to maintain a hygienic environment and to prevent the contamination of the milk or milk products. O. Reg. 152/23, s. 6.

(2) The operator shall ensure that the cleaning and sanitizing referred to in subsection (1) are performed in a way that maintains a hygienic environment and minimizes the risk of contamination of the milk and milk products. O. Reg. 152/23, s. 6.

87. (1) Every operator of a plant shall ensure that written sanitation procedures for the cleaning and sanitizing described in section 86 are developed, implemented and monitored and that they are updated as needed. O. Reg. 152/23, s. 6.

(2) The written sanitation procedures shall include,

- (a) cleaning and sanitizing requirements for the rooms, facilities, equipment and utensils used in areas of the plant where milk or milk products are handled, processed or stored; and
- (b) cleaning and sanitizing schedules. O. Reg. 152/23, s. 6.

(3) The operator shall ensure that on each day that a cleaning and sanitizing activity described in section 86 is performed, a record is created that includes,

- (a) the date the activity was performed;
- (b) the type of activity that was performed;
- (c) the person who performed the activity; and
- (d) the results of the activity. O. Reg. 152/23, s. 6.

(4) The operator shall ensure that every record created under subsection (3) is kept for at least one year after the date it was created and that it is readily accessible. O. Reg. 152/23, s. 6.

CERTIFICATES

88. (1) An application for,

- (a) REVOKED: O. Reg. 61/22, s. 14 (1).
- (b) a plant milk grader's certificate;

- (c) a bulk tank milk grader's certificate;
- (d) REVOKED: O. Reg. 61/22, s. 14 (3).
- (e) an apprentice plant milk grader's certificate; and
- (f) an apprentice bulk tank milk grader's certificate,

shall be made to the Director in a form acceptable to the Director. R.R.O. 1990, Reg. 761, s. 88 (1); O. Reg. 101/95, s. 5 (1, 2); O. Reg. 61/22, s. 14 (1-4); O. Reg. 152/23, s. 7 (1).

(2) The information contained in an application for a certificate mentioned in subsection (1) shall include,

- (a) the applicant's name and contact information;
- (b) the name and address of the plant or transporter where the applicant is employed;
- (c) the present duties of the applicant;
- (d) the applicant's dairy experience; and
- (e), (f) REVOKED: O. Reg. 152/23, s. 7 (3).
- (g) the signature of the applicant. R.R.O. 1990, Reg. 761, s. 88 (2); O. Reg. 152/23, s. 7 (2, 3).

(3) Certificates mentioned in subsection (1) expire as follows:

1. Certificates to apprentices expire 30 days after the last day of the next available training course.
2. Bulk tank milk graders' certificates expire on the date specified on the certificate or five years after the effective date, whichever is earlier.
3. Plant milk graders' certificates expire on the date specified on the certificate or five years after the effective date, whichever is earlier. O. Reg. 152/23, s. 7 (4).

(4)-(5) REVOKED: O. Reg. 61/22, s. 14 (6).

89. A certificate mentioned in subsection 88 (1) shall be issued upon the approval of the Director and shall include,

- (a) the certificate number;
- (b) the name and address of the certificate holder;
- (b.1) the effective date of the certificate;
- (c) the expiry date of the certificate; and
- (d) the Director's signature.
- (e) REVOKED: O. Reg. 152/23, s. 8 (2).

R.R.O. 1990, Reg. 761, s. 89; O. Reg. 152/23, s. 8.

89.1 (1) A person who had a valid milk and cream grader's certificate on February 9, 2022 is deemed to have a plant milk grader's certificate that is subject to the same terms as the terms to which their milk and cream grader's certificate was subject. O. Reg. 61/22, s. 15.

(2) A person who had a valid apprentice milk and cream grader's certificate on February 9, 2022 is deemed to have an apprentice plant milk grader's certificate that is subject to the same terms as the terms to which their apprentice milk and cream grader's certificate was subject. O. Reg. 61/22, s. 15.

90. (1) REVOKED: O. Reg. 61/22, s. 16 (1).

(2) An applicant for a plant milk grader's certificate shall, where the Director considers it advisable, be examined by examiners appointed by the Director on the applicant's knowledge of,

- (a) the handling, sampling, grading, rejecting, measuring and weighing of milk;

- (b) the principles of testing milk for milk-fat content, milk-protein content and other milk solids content;
- (c) tests for accurately determining the amount of bacteria and acid in milk; and
- (d) the sanitary requirements for plants and the provisions of the Act and the regulations pertaining thereto. R.R.O. 1990, Reg. 761, s. 90 (2); O. Reg. 788/91, s. 2 (2); O. Reg. 61/22, s. 16 (2-4).

(3) An applicant for a bulk tank milk grader's certificate shall, where the Director considers it advisable, be examined by examiners appointed by the Director on the applicant's knowledge of,

- (a) the handling, sampling, grading, rejecting and measuring of milk;
- (b) the principles of testing milk for milk-fat content, milk-protein content and other milk solids content;
- (c) the principles of testing milk for its microbiological, chemical and foreign substances content; and
- (d) the principles of sanitation in a milk house, a tank-truck and equipment thereon, a milk receiving room and a tank-truck wash station and the provisions of the Act and the regulations pertaining thereto. R.R.O. 1990, Reg. 761, s. 90 (3); O. Reg. 788/91, s. 2 (3).

91. Where an applicant is found by the examiners to be competent to perform the duties that the certificate applied for qualifies the applicant to perform, the Director shall issue a certificate. R.R.O. 1990, Reg. 761, s. 91.

91.1 (1) The Director may, without examination, issue a plant milk grader's certificate to the holder of a bulk tank milk grader's certificate. O. Reg. 152/23, s. 9.

(2) The certificate is subject to the conditions listed in subsection (3) if the person to whom it is issued is,

- (a) a producer who, directly or through a corporation of which the producer has the ability to exercise, directly or indirectly, control or significant influence over the operating and financial decisions, is also a processor who exclusively processes the milk of the producer at the producer's plant; or
- (b) an employee acting under the direction of a person described in clause (a). O. Reg. 152/23, s. 9.

(3) The conditions mentioned in subsection (2) are the following:

1. The holder of the certificate shall grade milk as a plant milk grader exclusively at the plant of the producer and processor.
2. The holder of the certificate shall not grade milk as a plant milk grader if the plant of the producer and processor receives milk from any other producer. O. Reg. 152/23, s. 9.

92. The Director may require a plant milk grader or a bulk tank milk grader to be re-examined at any time the Director considers necessary. R.R.O. 1990, Reg. 761, s. 92; O. Reg. 101/95, s. 7; O. Reg. 61/22, s. 17.

93. A certificate issued under section 89 is issued on the condition that the holder of the certificate,

- (a) submits to re-examination from time to time as the Director considers necessary;
- (b) conforms to the requirements of the Act and regulations pertaining to the holder's duties;
- (c) REVOKED: O. Reg. 61/22, s. 18 (1).
- (d) has the certificate available for production on request; and
- (e) does not cease for a period of three years to perform the duties that the certificate qualifies the holder to perform. R.R.O. 1990, Reg. 761, s. 93; O. Reg. 61/22, s. 18 (2).

94. The Director may, after a hearing, suspend or revoke a certificate issued under sections 89 and 91.1,

- (a) where the holder of the certificate fails to comply with the conditions upon which the certificate is issued; or
- (b) where the holder of the certificate is found on re-examination to be not competent to perform the duties that the certificate qualifies the holder to perform. R.R.O. 1990, Reg. 761, s. 94; O. Reg. 152/23, s. 10.

PLANT LICENCES AND PERMITS

95. (1) A person who wishes to operate a plant shall submit an application to the Director for a licence to operate the plant,

- (a) before beginning to operate the plant; and
- (b) if the plant is not yet constructed or if alterations are required to the plant, before commencing the construction or alterations. O. Reg. 174/14, s. 2.

(2) A person who holds a licence to operate a plant and who wishes to change any aspect of the licence described in clause 96 (2) (d), (e) or (f) shall submit an application to the Director to change the licence before implementing such a change. O. Reg. 174/14, s. 2.

(3) A person who submits one of the following types of application shall, at the same time, submit an application for a permit referred to in section 109:

- 1. An application for a licence to operate a plant that is not yet constructed or that requires alterations.
- 2. An application to change a licence, if the change would require that a plant undergo construction or alterations. O. Reg. 174/14, s. 2.

(4) A person who wishes to renew a licence to operate a plant shall submit an application to the Director at least 60 days before the licence expires. O. Reg. 174/14, s. 2.

(5) An application for a licence shall include the following information:

- 1. The applicant's name, address, phone number and other relevant contact information.
- 2. The location or proposed location of the plant.
- 3. The type of plant for which the licence is sought and, in the case of a processing plant, the kinds of processing activities to be carried out at the plant.
- 4. A list of the milk products to be processed at the plant.
- 5. The species of animal that will produce the milk to be processed at the plant.
- 6. An estimate of the volume of milk to be processed at the plant.
- 7. The source of milk to be processed at the plant.
- 8. The signature of the applicant, or of the signing officer, as appropriate. O. Reg. 174/14, s. 2.

(6) An application made under this section shall be in a form provided by the Director. O. Reg. 174/14, s. 2.

96. (1) Subject to section 99.3, the Director shall issue a licence to operate a plant to a person who applies in accordance with section 95 unless the Director determines that the licence should be refused under section 100. O. Reg. 174/14, s. 2.

(2) The licence shall set out,

- (a) the licence number;
- (b) the licensee's name, address, phone number and other relevant contact information;
- (c) the name and address of the plant;
- (d) the species of animal that will produce the milk to be processed at the plant;
- (e) the type of plant approved for operation and, in the case of a processing plant, the kinds of processing activities approved to be carried out at the plant;
- (f) in the case of a processing plant that will process cow's milk, the classes or sub-classes of milk established under section 11 of Regulation 753 of the Revised Regulations of Ontario, 1990 (Grades, Standards, Designations, Classes, Packing and Marking) made under the *Milk Act* that may be processed at the plant;
- (g) the effective date and expiry date of the licence; and

(h) the Director's signature. O. Reg. 174/14, s. 2.

(3) A licence to operate a plant is effective on the date set out in the licence and expires on the earlier of,

(a) the date set out in the licence; and

(b) the day that is three years after the effective date. O. Reg. 174/14, s. 2.

(4), (5) REVOKED: O. Reg. 61/22, s. 19.

97. REVOKED: O. Reg. 174/14, s. 2.

98. No person shall operate a plant except in accordance with a licence from the Director. R.R.O. 1990, Reg. 761, s. 98.

99. (1) A licence to operate a plant is subject to the following conditions:

1. The licence holder shall ensure that the only milk processed at the plant is milk produced by the species specified in the licence.
2. The licence holder shall ensure that the plant being operated is the type of plant specified in the licence and, in the case of a processing plant, that the plant carries out only the kinds of processing activities specified in the licence.
3. In the case of a licence to operate a plant that processes cow's milk, the licence holder shall ensure that the only milk products processed at the plant are within the classes or subclasses of milk specified in the licence.
4. The licence holder shall not permit an employee to work in the plant while the employee has a communicable disease.
5. The licence holder shall ensure that every employee working in the plant wears outer clothing that is clean and light in colour.
6. The licence holder shall ensure that any person who grades milk received at the plant is the holder of a certificate for that purpose issued under section 89.
7. The licence holder shall carry on business in accordance with the law, with honesty and integrity and with regard to the public interest.
8. The licence holder shall observe, perform and carry out the provisions of the Act, the regulations, all plans, agreements and awards and all orders of the Commission, the Director and the marketing board. O. Reg. 174/14, s. 3.

(2) A licence to operate a plant is not transferable. O. Reg. 174/14, s. 3.

99.1 The Director may impose conditions on a licence to operate a plant in addition to those set out in section 99. O. Reg. 174/14, s. 3.

99.2 The Director may, after a hearing, suspend or revoke a licence issued under section 96 if the licence holder fails to comply with any condition of the licence. O. Reg. 174/14, s. 3.

99.3 (1) If the Director receives an application under section 95 in respect of a licence to operate a plant at which cow's milk is to be processed, the Director shall not issue the licence unless he or she first complies with the process described in this section. O. Reg. 174/14, s. 3.

(2) This section does not apply in respect of an application for a licence in the following circumstances:

1. The application is for a renewal of a licence to operate a plant.
2. The application is in respect of changes to a licence but the proposed changes would not change the classes or subclasses of milk specified in the licence. O. Reg. 174/14, s. 3.

(3) The Director shall notify the following persons and entities of the application:

1. The Canadian Food Inspection Agency.
2. The Dairy Farmers of Ontario.

3. The Ontario Dairy Council.
4. The Ontario Farm Products Marketing Commission.
5. Any person or entity that holds a licence as a producer, processor or distributor issued under the Act if,
 - i. the person or entity informs the Director in writing that the person or entity wishes to receive notice under this section, and
 - ii. in the opinion of the Director, the person or entity would be affected by the granting of the licence.
6. Any other person that the Director believes may have information that should be considered before determining whether to issue the licence. O. Reg. 174/14, s. 3.

(4) A notice given under subsection (3) shall include the following information:

1. The name of the applicant.
2. The location or proposed location of the plant.
3. The type or types of plant for which the licence is sought and, in the case of a processing plant, the kinds of processing activities to be carried out at the plant.
4. The fact that the recipient is entitled to provide comments or information in respect of the application in accordance with clause (5) (a), to request a meeting under clause (5) (b) or to request further information under clause (5) (c).
5. Any other relevant information that may reasonably be required to allow the recipients to comment on the application. O. Reg. 174/14, s. 3.

(5) Within 30 days after the date the notice is sent, or within such shorter period of time as may be specified in the notice, the recipient may,

- (a) provide the Director with written comments or information relating to the issuing of the licence;
- (b) if the recipient believes that the licence should not be issued, request that the Director hold a meeting relating to the issuing of the licence; and
- (c) request that the Director provide further information about the application. O. Reg. 174/14, s. 3.

(6) If the Director receives a request for a meeting under clause (5) (b), he or she shall set a time and place for a meeting and invite the following participants to the meeting in order to discuss whether the licence to operate a plant should be issued or refused:

1. The applicant.
2. The entities and persons who provided comments or information to the Director under clause (5) (a).
3. Any other person the Director believes may have information that should be considered before determining whether to issue the licence. O. Reg. 174/14, s. 3.

(7) Even if the Director does not receive a request for a meeting under clause (5) (b), the Director may set a time and place for a meeting and invite the participants listed in subsection (6) to the meeting in order to discuss whether the licence to operate a plant should be issued or refused. O. Reg. 174/14, s. 3.

(8) If the Director receives a request for further information under clause (5) (c), the Director may provide further information in accordance with the request. O. Reg. 174/14, s. 3.

(9) The Director shall not determine whether to issue or refuse a licence until the time permitted under subsection (5) to provide comments or information or request a meeting has elapsed. O. Reg. 174/14, s. 3.

(10) The Director shall consider any comments or information he or she receives under clause (5) (a) or at a meeting held under subsection (6) or (7) in determining whether to issue a licence or refuse it under section 100. O. Reg. 174/14, s. 3.

100. (1) The Director may refuse to issue or renew a licence for the operation of a plant,

- (a) where the applicant is not qualified by experience, personnel or equipment to properly engage in the business for which the application was made;
- (b) REVOKED: O. Reg. 268/99, s. 1 (1).
- (c) where the applicant fails to observe, perform or carry out the requirements of the Act, the regulations, a plan, an agreement or an award, or an order of the Commission, the Director or the marketing board;
- (d) where, in the opinion of the Director, any material representation or information made or provided by or on behalf of the applicant is false or misleading;
- (e) REVOKED: O. Reg. 268/99, s. 1 (2).
- (f) where the applicant does not comply with the *Health Protection and Promotion Act* and the regulations thereunder;
- (g) where, in the opinion of the Director, the issuance or renewal of the licence is not in the public interest having regard to the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors;
- (h) where, in the opinion of the Director, the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business will not be carried on in accordance with law or with honesty and integrity;
- (i) where the applicant or, where the applicant is a corporation, any officer, director or servant thereof, or any person who is or will be in any way associated with the applicant in the operation of the business, has contravened or has permitted any person under their control or direction in connection with the business to contravene any provision of the Act or the regulations or of any other Act or the regulations thereunder or of any law of any jurisdiction applying to the carrying on of business and, in the opinion of the Director, such contravention warrants the refusal to issue or renew the licence;
- (j) REVOKED: O. Reg. 174/14, s. 4 (2).
- (k) where the Director is of the opinion that the plant is not necessary or desirable having regard to,
 - (i) the needs of the producers in the locality in which the plant is located,
 - (ii) the impacts on the facilities of other plants in operation,
 - (iii) the interests of consumers who would be served by the plant,
 - (iv) the conditions and policies governing both the milk supply in Ontario and the allocation of milk to Ontario plants,
 - (v) the socio-economic impacts resulting from a decision to grant a licence, including direct and indirect economic activity, both in the locality in which the plant is located and in other parts of Ontario. R.R.O. 1990, Reg. 761, s. 100; O. Reg. 348/95, s. 15; O. Reg. 268/99, s. 1; O. Reg. 174/14, s. 4 (1-3).

(2) Before the Director refuses to issue or renew a licence, he or she shall,

- (a) give the applicant notice that he or she may request a hearing before the Director; and
- (b) if a request for a hearing is made, hold a hearing. O. Reg. 174/14, s. 4 (4).

101. REVOKED: O. Reg. 174/14, s. 5.

102. Where, after a hearing, the Director has determined that a licensee or former licensee has contravened any condition of a licence or any provision of the Act, the regulations, a plan or any order or direction of the Commission, the Director may impose a penalty on the person. R.R.O. 1990, Reg. 761, s. 102.

103. (1) The Director may require that a person engaged in the operation of a plant furnish a performance bond in an amount that does not exceed 10 per cent of the price payable to the marketing board and producers for milk and cream processed during the immediately preceding 12 months in the plant. O. Reg. 348/95, s. 16.

(2) The Director may determine that a performance bond is forfeited where, after a hearing, the Director has determined that the plant operator who obtained the bond has contravened any condition of a licence or a provision of the Act, the regulations, a plan or an order or direction of the Commission. R.R.O. 1990, Reg. 761, s. 103 (2).

104., 105. REVOKED: O. Reg. 268/99, s. 2.

106. Every person who operates more than one plant is required to be the holder of a licence in respect of each plant and shall be deemed to be a separate operator in respect of each such plant. R.R.O. 1990, Reg. 761, s. 106.

107. REVOKED: O. Reg. 174/14, s. 5.

108. Where the holder of a licence to operate a plant ceases to carry on the business for which the holder is licensed, the holder shall forthwith surrender the licence to the Director. R.R.O. 1990, Reg. 761, s. 108.

109. (1) A person who holds a licence to operate a plant and who wishes to construct or alter a building intended for use as a plant or wishes to make alterations to an existing plant shall submit an application to the Director for a permit to construct or alter the building or plant before commencing the construction or alterations. O. Reg. 174/14, s. 6.

(1.1) For greater certainty, subsection (1) does not apply if the exemption in section 110 applies to the person. O. Reg. 61/22, s. 20.

(2) The application for the permit shall include all the information required under subsection 95 (5) and two copies of drawings and specifications of the proposed construction or alteration, one copy to be retained by the Director and the second copy to be returned to the applicant. O. Reg. 174/14, s. 6.

(3) An application for a permit shall be in a form provided by the Director. O. Reg. 174/14, s. 6.

(4) A permit to construct or alter a building intended for use as a plant or to alter an existing plant is issued subject to the condition that,

- (a) the plant is located on land that is well drained and readily accessible;
- (b) the building being constructed or altered or the plant being altered has a supply of clean, fresh water, and has facilities for disposal of sewage sufficient for the purposes of the operation of the plant as constructed or altered;
- (c) the construction or alteration of the building or alteration of the plant is carried out in accordance with the drawings and specifications submitted with the application; and
- (d) the applicant has complied with the municipal by-laws and the Acts and regulations applicable to the construction or alteration being made. O. Reg. 174/14, s. 6.

110. (1) A person is exempt from section 14 of the Act if the proposed construction or alteration of a building intended for use as a plant would not result in,

- (a) an increase to the existing physical footprint of the building;
- (b) internal modifications to the building that could affect the risk of any product made at the plant being contaminated; or
- (c) the addition, replacement or modification of equipment, including ancillary equipment or complete systems, that directly affects the risk of any product made at the plant being contaminated. O. Reg. 61/22, s. 21.

(2) The exemption in subsection (1) does not apply with respect to any permit for which an application is required under subsection 95 (3). O. Reg. 61/22, s. 21.

111., 112. REVOKED: O. Reg. 473/00, s. 1.

DISTRIBUTORS' LICENCES

112.1 (1) A person who carries on business as a distributor is exempt from subsection 15 (2) of the Act with respect to the distribution of unhomogenized milk with a minimum butterfat content of 3.8 per cent that is sold or processed for sale to a consumer in a container of 20 litres or more containing no internal gradations. O. Reg. 473/00, s. 2.

(2) REVOKED: O. Reg. 202/19, s. 7.

113. The following classes of distributors are designated:

1. Shopkeeper-distributor.
2. Non-shopkeeper-distributor. O. Reg. 100/95, s. 6.

113.1 (1) A person who carries on business as a shopkeeper-distributor shall be deemed to hold a licence as a shopkeeper-distributor as long as the person complies with all applicable provisions of the Act, the regulations and the orders of the Director. O. Reg. 100/95, s. 6.

(2) A licence as a shopkeeper-distributor expires if the holder of the licence ceases to carry on business as a shopkeeper-distributor. O. Reg. 100/95, s. 6.

(3) A license as a shopkeeper-distributor only permits the selling or distribution of fluid milk products on the shop premises operated by the holder of the licence. O. Reg. 473/00, s. 3.

114. (1) An application for the issue, renewal or amendment of a licence to carry on business as a non-shopkeeper-distributor shall be made to the Director and may be on the form provided by the Director. R.R.O. 1990, Reg. 761, s. 114 (1); O. Reg. 100/95, s. 7 (1).

(2) An application for renewal of a licence to carry on business as a non-shopkeeper-distributor shall be filed with the Director at least sixty days prior to the expiry of the licence. R.R.O. 1990, Reg. 761, s. 114 (2); O. Reg. 100/95, s. 7 (2).

(3) REVOKED: O. Reg. 100/95, s. 7 (3).

(4) Subject to the approval of the Director, a licence as a non-shopkeeper-distributor shall be issued to the applicant and shall include,

- (a) the licence number;
- (b) the type of licence issued;
- (c) REVOKED: O. Reg. 473/00, s. 4 (1).
- (d) the name and address of the licensee;
- (e) a description of each location at which the distributor carries on business as a non-shopkeeper-distributor;
- (f) the effective date of the licence;
- (g) the expiry date of the licence; and
- (h) the Director's signature. R.R.O. 1990, Reg. 761, s. 114 (4); O. Reg. 100/95, s. 7 (4-6); O. Reg. 473/00, s. 4 (1, 2).

(4.1) The Director shall amend a licence as a non-shopkeeper- distributor to reflect all changes in the description of the locations at which the distributor carries on business as a non-shopkeeper-distributor, of which the distributor notifies the Director. O. Reg. 100/95, s. 7 (7); O. Reg. 473/00, s. 4 (3).

(5) A licence to carry on business as a non-shopkeeper-distributor expires three years after the effective date of the licence or upon such earlier date as is fixed by the Director. O. Reg. 473/00, s. 4 (4).

(6), (7) REVOKED: O. Reg. 61/22, s. 22.

(8), (9) REVOKED: O. Reg. 100/95, s. 7 (8).

114.1 A non-shopkeeper-distributor shall only hold one licence in respect of all locations at which the distributor carries on business as a non-shopkeeper-distributor. O. Reg. 473/00, s. 5.

115. REVOKED: O. Reg. 473/00, s. 6.

116. The Director may, after a hearing, refuse to issue a licence to or renew or amend the licence of a non-shopkeeper-distributor,

- (a) where the applicant is not qualified by experience, personnel or equipment to properly engage in the business for which the application was made;
- (b) REVOKED: O. Reg. 100/95, s. 10 (2).
- (c) where the applicant fails to observe, perform or carry out the requirements of the Act, the regulations, a plan, an agreement or an award, or an order of the Commission, the Director or the marketing board;
- (d) where, in the opinion of the Director, the area in which the applicant intends to deliver, sell or distribute fluid milk products is already adequately served;
- (e) where, in the opinion of the Director, regular service of fluid milk products to consumers in the area in which the applicant intends to deliver, sell or distribute fluid milk products should be provided or continued, and the applicant will not provide or continue such service;
- (e.1) where, in the opinion of the Director, the applicant will not distribute a full range of fluid milk products in relation to the needs of customers in the area in which the applicant intends to deliver, sell or distribute fluid milk products;
- (e.2) where, in the opinion of the Director, the applicant will not make adequate provision for the segregation of fluid milk products and milk products from other products carried by the applicant's delivery vehicles;
- (f) where, in the opinion of the Director, the existing relationship between producers and distributors in the area in which the applicant intends to deliver, sell or distribute fluid milk products should be continued;
- (g) where, in the opinion of the Director, any material representation or information made or provided by or on behalf of the applicant is false or misleading;
- (h) where the applicant does not comply with the *Health Protection and Promotion Act* and the regulations thereunder;
- (i) where, in the opinion of the Director, the issuance or renewal of the licence is not in the public interest having regard to the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors;
- (j) where, in the opinion of the Director, the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business will not be carried on in accordance with law and with honesty and integrity;
- (k) where the applicant or, where the applicant is a corporation, any officer, director or employee thereof, or any person who is or will be in any way associated with the applicant in the operation of the business, has contravened or has permitted any person under their control or direction in connection with the business to contravene any provision of the Act or the regulations or of any other Act or the regulations thereunder or of any law of any jurisdiction applying to the carrying on of the business and, in the opinion of the Director, such contravention warrants the refusal to issue or renew the licence;
- (l) where the applicant has already been issued the licence applied for. R.R.O. 1990, Reg. 761, s. 116; O. Reg. 100/95, s. 10; O. Reg. 348/95, s. 21; O. Reg. 473/00, s. 7.

116.1 A licence as a distributor is non-transferable. O. Reg. 100/95, s. 11.

117. Subject to section 122, the Director may impose such conditions upon a licence as the Director considers proper. R.R.O. 1990, Reg. 761, s. 117.

118. Where, after a hearing, the Director has determined that a licensee or former licensee has contravened any condition of a licence or a provision of the Act, the regulations, a plan or an order or direction of the Commission, the Director may impose a penalty on the person. R.R.O. 1990, Reg. 761, s. 118.

119. (1) The Director may require that a distributor furnish a performance bond in an amount that does not exceed 10 per cent of the price payable to the marketing board and producers for milk and cream marketed during the immediately preceding 12 months by the distributor. O. Reg. 348/95, s. 22.

(2) The Director may determine that a performance bond is forfeited where, after a hearing, the Director has determined that the distributor who obtained the bond has contravened any condition of a licence or any provision of the Act, the regulations, a plan or any order or direction of the Commission. R.R.O. 1990, Reg. 761, s. 119 (2).

120. The proceeds of a penalty imposed under section 102 or 118 or of a performance bond forfeited under subsection 103 (2) or 119 (2) shall be paid to the Minister of Finance. R.R.O. 1990, Reg. 761, s. 120.

121. (1) The penalty imposed by the Director for,

- (a) a first offence shall not exceed 2 per cent;
- (b) a second offence shall not exceed 5 per cent; and
- (c) a third or subsequent offence shall not exceed 10 per cent,

of the price payable to the producers for the regulated product marketed or processed during the immediately preceding twelve-month period by the person being penalized. R.R.O. 1990, Reg. 761, s. 121 (1).

(2) Within the range set out in subsection (1), the Director shall consider a contravention that,

- (a) harms or has the potential to harm the health of any person;
- (b) endangers the safety of any person; or
- (c) results in a significant economic benefit to the contravenor,

as warranting a penalty at or near the maximum set out and the seriousness of the harm, danger or benefit, as the case may be, shall be a factor to be considered. R.R.O. 1990, Reg. 761, s. 121 (2).

(3) If a contravention that was caused by wilful neglect by the person penalized causes harm to the health of any person, the penalty imposed may be the maximum provided in the Act despite subsection (1). R.R.O. 1990, Reg. 761, s. 121 (3).

(4) If a contravention is of an administrative nature that does not have the potential to cause harm to the health of any person, the penalty shall not be the maximum set out in subsection (1). R.R.O. 1990, Reg. 761, s. 121 (4).

122. (1) A licence as a non-shopkeeper-distributor is issued on the condition that,

- (a) the holder of the licence observes, performs and carries out the provisions of the Act, the regulations, all plans, agreements and awards, and all orders of the Commission, the Director and the marketing board;
- (b) where so required by the Director, the holder of the licence provides or continues regular delivery service of fluid milk products to consumers in the area in which the applicant delivers, sells or distributes fluid milk products;
- (c) the holder of the licence complies with the *Health Protection and Promotion Act* and the regulations thereunder;
- (d) the holder of the licence notifies the Director in writing of all changes in the description of the locations at which the holder carries on business as a non-shopkeeper-distributor;
- (e) the holder of the licence informs the Director in writing of the name of every distributor that supplies fluid milk products to the holder;
- (f) the holder of the licence distributes a full range of fluid milk products in relation to the needs of customers in the area in which the applicant delivers, sells or distributes fluid milk products;
- (g) the holder of the licence segregates fluid milk products and milk products from other products carried by the licence holder's delivery vehicles;

(h) the holder of the licence or, where the holder of the licence is a corporation, every officer, director or employee thereof, does not contravene nor permit any person under their control or direction to contravene any provision of the Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of such business, or the conditions for licensing; or

(i) the holder of the licence carries on the business in accordance with law and with honesty and integrity and with regard to the public interest. R.R.O. 1990, Reg. 761, s. 122 (1); O. Reg. 100/95, s. 12 (1-3); O. Reg. 348/95, s. 23; O. Reg. 291/98, s. 2; O. Reg. 473/00, s. 8.

(2) REVOKED: O. Reg. 100/95, s. 12 (4).

122.1 After a hearing, the Director may suspend or revoke a licence as a distributor for any failure by the distributor to comply with the conditions that apply to the licence. O. Reg. 100/95, s. 13.

123. No person shall supply for resale fluid milk products to, or pasteurize milk for, any other person who is,

(a) not the holder of a licence under this Regulation; or

(b) not exempt from the Act or this Regulation. R.R.O. 1990, Reg. 761, s. 123.

124. No person shall obtain fluid milk products for resale or distribution from any person who is not a holder of a licence as a distributor under the Act. O. Reg. 473/00, s. 9.

125. A licensed non-shopkeeper-distributor who ceases to carry on business as a non-shopkeeper-distributor shall promptly surrender the licence to the Director. O. Reg. 100/95, s. 15.

EXTENSION OF CERTIFICATES AND LICENCES DUE TO CORONAVIRUS (COVID-19)

125.1 REVOKED: O. Reg. 61/22, s. 23.

125.2 (1) Despite subsection 88 (3), any milk and cream grader's certificate or bulk tank milk grader's certificate that, but for this subsection, would expire on a day that falls on or after the day this section comes into force, but before December 31, 2021, shall not expire on that day but shall continue in effect for a further 12 months after that day. O. Reg. 237/21, s. 3.

(2) Despite subsection 96 (3), any licence to operate a plant that, but for this subsection, would expire on June 30, 2021 shall not expire on that day but shall continue in effect until October 31, 2021. O. Reg. 237/21, s. 3.

(3) Despite the continuation of a licence to operate a plant under subsection (2) and despite subsection 95 (4), if the holder of the licence that is continued until October 31, 2021 wishes the licence to be renewed after October 31, 2021, the holder of the licence shall submit an application for the renewal to the Director on or before May 1, 2021. O. Reg. 237/21, s. 3.

125.3 Despite subsection 88 (3), section 89.1 and subsection 125.2 (1), any plant milk grader's certificate that, but for this subsection, would expire on a day that falls on or after the day Ontario Regulation 181/22 comes into force, but before December 31, 2022, shall not expire on that day but shall continue in effect for a further 12 months after that day. O. Reg. 181/22, s. 1.

RECORDS

126. An operator of a plant shall keep for twelve months complete records of all milk bought and the records shall include,

(a) the volumes of all milk received daily;

(b) the milk-fat, milk-protein and other milk solids tests of all milk received; and

(c) the original entries of the volumes of milk bought and the milk-fat, milk-protein and other milk solids tests of the milk. R.R.O. 1990, Reg. 761, s. 126; O. Reg. 788/91, s. 3.

127. (1) An operator of a plant shall keep for at least twelve months completed monthly records of milk utilization for audit purposes and the records shall include,

- (a) the number of litres sold in bulk and the number of units of each package size of fluid milk products and other units of fluid milk products sold by wholesale and at retail each day by each driver-salesman of a delivery vehicle and the proceeds of sales by retail and wholesale;
 - (b) the number of units of each package size of fluid milk products and other units of fluid milk products sold each day at the plant and the proceeds of the sales;
 - (c) the number of units of each package size of fluid milk products sold each day to distributors;
 - (d) the total amount of all fluid milk products sold for each payment period by a distributor, including the total number of units of each package size sold and the selling price of the fluid milk products;
 - (e) where cheese is manufactured, individual vat records giving date of manufacture, vat number, type of cheese made, disposition of the cheese, volume of milk in the vat, volume of skim-milk added or weight of skim-milk powder added, weight of milk-fat removed, weight of milk-fat in the vat and weight of cheese made; and
 - (f) where other milk products are processed, records giving date of manufacture, type of product made, ingredients, volume of milk, partly-skimmed milk, skim-milk and cream used and weight of milk-fat used. R.R.O. 1990, Reg. 761, s. 127 (1).
- (2) A distributor who operates a wholesale warehouse from which grocery products are distributed and who is engaged in the buying of sterilized fluid milk products, other than cream, table cream and whipping cream, and selling or distributing such products to shopkeeper-distributors, shall keep, for at least 12 months, complete records on a monthly basis of,
- (a) all purchases of sterilized fluid milk products; and
 - (b) all sales of sterilized fluid milk products, which records shall identify the sales of such products in each territorial district except the territorial districts of Muskoka and Parry Sound. R.R.O. 1990, Reg. 761, s. 127 (2); O. Reg. 100/95, s. 16.

128. (1) REVOKED: O. Reg. 268/99, s. 5 (1).

(2) Every distributor who obtains fluid milk products from any other distributor and whose delivery, sale or distribution of fluid milk products is governed by an agreement in writing or otherwise with such other distributor shall furnish to the Director a copy of any agreement in writing or the provisions of any agreement not in writing, as the case may be. R.R.O. 1990, Reg. 761, s. 128 (2).

(3) Every operator of a plant, distributor, producer and transporter shall furnish to the Commission or Director the information or returns that the Commission or Director from time to time determines. O. Reg. 268/99, s. 5 (2).

(4) REVOKED: O. Reg. 268/99, s. 5 (2).

129. (1) The operator of every plant shall keep a record of,

- (a) all goat's milk received at the plant, showing the date received and the name of the producer and the number, if any, used for identification of the producer;
 - (b) the rejection of goat's milk and the cause for rejection;
 - (c) the weights and grades of all goat's milk accepted at the plant for processing into milk products; and
 - (d) the results of all tests made at the plant under this Regulation. R.R.O. 1990, Reg. 761, s. 129 (1); O. Reg. 61/22, s. 24 (1).
- (2) If a plant milk grader measures, weighs, grades or tests goat's milk, the grader shall immediately make an accurate record of the volume, weight, grade or test, as the case may be. O. Reg. 61/22, s. 24 (2).
- (3) The operator of a plant shall keep a record of the full name and address of each producer who ships goat's milk to the plant. R.R.O. 1990, Reg. 761, s. 129 (3); O. Reg. 61/22, s. 24 (3).
- (4) The operator of a plant shall keep for at least one year all records of weights, grades and tests of goat's milk made at the plant. R.R.O. 1990, Reg. 761, s. 129 (4); O. Reg. 61/22, s. 24 (4).

130. REVOKED: O. Reg. 268/99, s. 6.

131. (1) No person shall falsify any records or statements, or make any incorrect determination that may affect the price paid for goat's milk at a plant. R.R.O. 1990, Reg. 761, s. 131 (1); O. Reg. 61/22, s. 25 (1).

(2) REVOKED: O. Reg. 61/22, s. 25 (2).

SCHEDULE REVOKED: O. REG. 100/95, S. 17.

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