



New  Nouveau  
**Brunswick**  
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October 17, 2005

The Honourable David Alward  
Minister of Agriculture, Fisheries & Aquaculture  
Province of New Brunswick  
P.O. Box 6000  
Fredericton, NB E3B 5H1

Dear Sir:

On behalf of the New Brunswick Farm Products Commission, I have the honor to submit the Annual Report for the period April 1, 2004 to March 31, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Hazen Myers". The signature is written in a cursive style with a large, looping initial "H".

Hazen Myers  
Chairman

**FARM PRODUCTS COMMISSION**  
**ANNUAL REPORT 2004-2005**

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## **Vision Statement**

**A dynamic and accountable agri-food industry that has a reputation as a supplier of high quality and competitively priced food products**

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The New Brunswick Farm Product Commission is a board appointed by the Lieutenant-Governor in Council empowered to carry out the provisions of the *Natural Products Act* and any Regulations and Orders under the Act.

The *Natural Products Act* defines the scope of government regulation in the marketplace as it pertains to the orderly marketing of food and forest products, as well as food inspection which is managed in conjunction with the Department of Health and Wellness under the Health Act.

The *Natural Products Act* provides flexibility to producer organizations with respect to naming their organizations and establishing commodity development councils to encourage discussion between producers and other sectors of the industry on matters of mutual interest in a recognized forum. The *Act* also permits the formation of promotional agencies.

In addition to the above, the *Natural Products Act* grants power to the Farm Products Commission to make changes of an administrative nature to marketing board powers and to delegate authority to industry to establish and administer quality and grade standards.

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## **Mission Statement**

**The New Brunswick Farm Products Commission will strive to create an environment within the regulated agri-food sector that encourages stakeholders to focus their efforts on developing their industries.**

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In carrying out its mission, the Commission is committed to the following values and principles:

- Cooperation and communication between all industry stakeholders is key to the further development of the agri-food industry;
- be an impartial, fair-minded agency that supports industry development;
- an orderly marketing system will enhance the viability of the agri-food industry within the global marketplace;
- carry out the mandate provided for in the *Natural Products Act* to the common benefit of producers, processors and consumers;

## New Brunswick Farm Products Commission

- as a signatory to national supply management programs, the Commission will act to both protect and promote the interests of those industries;
- promote transparency both in carrying out its mandate as well as in the operation of the eight marketing boards.

In order to enhance marketing board transparency and to ensure that it operates in accordance with the wishes of the producers and in adherence to the regulations established under the *Natural Products Act*, the Commission shall conduct an annual review of the operations of each of the eight marketing boards. The Commission will ensure that each marketing board holds an annual producer meeting to review financial statements and board activities for the previous year, and make certain that the boards do not implement significant changes in policy without prior approval of producers. The Commission shall supervise the activities of all producer organizations and provide an appeal mechanism for those individuals who feel aggrieved by decisions made by producer organizations.

Under powers granted to them by the *Natural Products Act*, the Commission will provide authority and guidance to non-marketing board groups of producers who want to collect levies for research and promotion purposes.

The Commission will facilitate the creation of industry development councils to foster the development of cross sector strategies in response to changing market forces. To date, the New Brunswick Dairy Industry Council and the New Brunswick Cattle Industry Council have been formed to promote sector-wide collaboration to capitalize on market opportunities and resolve industry issues.

In tandem with the Department of Agriculture, Fisheries and Aquaculture, the Farm Products Commission will help expose the agri-food industry to new ways to exploit market opportunities.

To ensure that the development of the province's regulated agri-food industry is protected and promoted within national marketing systems, the Commission will develop and pursue strategies that are in the best interest of the province. The Commission will serve as a signatory to federal-provincial agreements relating to the supply managed commodities which in New Brunswick include dairy, chicken, turkey and eggs.

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### **Powers of the Farm Products Commission**

The Commission is responsible for the overall conduct and performance of the regulated marketing system in New Brunswick. In that capacity, it is responsible for ensuring that boards exercise the powers granted to them in the manner intended.

## New Brunswick Farm Products Commission

Through the powers vested in it by the *Natural Products Act*, the Commission may:

- Investigate, arbitrate, adjudicate upon, adjust or otherwise settle any dispute between producers, processors, distributors or transporters of farm products, or between any two or more of such classes of persons;
- Investigate the cost of producing, processing, distributing and transporting any farm product, prices, price spreads, trade practices, methods of financing, management, grading, policies and other matters relating to the marketing of a farm product;
- Recommend any marketing plan or the amendment of any plan to the Minister;
- Require persons engaged in the production or marketing of a regulated product to register with the Commission or local board;
- Require persons engaged in the production or marketing of a regulated product to furnish information relating to the product, including the completing and filing of reports or returns on a periodic basis or otherwise as the Commission or local board determines;
- Require the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product and provide for the administration and disposition of all money or securities so furnished;
- Appoint inspectors for the purposes of this *Act*;
- Co-operate with a marketing board, local board, commodity board, marketing commission or marketing agency of Canada or of any province in Canada for the purpose of marketing any regulated product;
- Make orders and issue directives consistent with a plan or the regulations as are necessary to enforce the provisions of the *Act* or any plan.

The Commission also has the power to intervene directly in the marketing of dairy products. Intervention may include but is not limited to the following:

- The establishment and enforcement of marketing conditions that benefit both the dairy products trade and the general public;
- License milk dealers, producer suppliers, vendors and transporters;
- Make regulations or orders pertaining to milk quality, the inspection and classification of milk, and processing of dairy products;



## New Brunswick Farm Products Commission

- Control milk quality from the farm to the milk dealer;
- Make regulations pertaining to penalties on milk that fail to comply with standards of quality;
- Set the price producers receive for their raw milk and set the wholesale price of fluid milk products.

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### Commission Members

Hazen Myers	Chairman	Anne Michaud	Member
Dale McIntosh	Vice-Chairman	Hannah Searle	Member
Larry Dobson	Member	Katherine Trueman	Member
John Robinson	Member	Edward Williams	Member
Leslie Cail	Member		

### Commission Staff

Robert Goggin	General Manager
David Johnston	Trade Relations and Commodities Specialist
Joan Allaby	Regulations Analyst
Laura Poffenroth	Regulations Analyst
Sharon Albert	Administrative Support

### Commission Office

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Fredericton, New Brunswick  
E3B 5H1

Phone: (506) 453-3647  
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## Commission Activities

In 2004-2005, the Farm Products Commission met eight times to carry out the responsibility of supervising the actions and management of producer boards provided for in the *Natural Products Act*. The Commission conducted annual reviews of all eight commodity boards, as well as reviewed the meeting minutes, all annual reports and financial statements of the boards.

In fulfilling its supervisory role, the Commission attended the annual meetings of the producer organizations formed under the *Natural Products Act*, as well as any other relevant agricultural groups, including the New Brunswick Agricultural Producers Association, the National Association of Agricultural Supervisory Agencies, and the International Association of Milk Control Agencies.

As part of its mandate, the Commission is responsible for setting the price of fluid milk sold in the province. In February 2005, the Commission announced an increase in the price of fluid milk. In determining this adjustment, the Commission considered studies on the cost of production for the province's dairy producers and a financial analysis of returns to the New Brunswick processing industry conducted by an independent firm. After thoroughly reviewing these reports, the Commission concluded that a price increase was justified and decided on the appropriate margins for producers, processors and retailers. In setting the price of milk, the Commission balanced the interests of producers, processors and consumers. This approach allows for competitive prices for New Brunswick consumers while encouraging a viable dairy industry.

In 2004-2005, the Commission received regular reports from inspection staff on dairy producers who were experiencing milk quality problems, whose premises or equipment were substandard, or who were otherwise not complying with the regulation. The Commission responded to these reports by communicating its concerns to the producer and encouraging the producer to take corrective action, and failing that, request that the producer appear before the Commission.

When the *Natural Products Act* came into effect in April 1999, it replaced seven other acts administered by the former Department of Agriculture and Rural Development. Since the creation of the new *Act*, Commission staff has been updating the legislation under the old acts, preparing new regulations, repealing obsolete regulations and amending others.

In February 2005, the Commission presented the *Milk Quality Regulations* to the Federal Provincial Territorial Dairy Technical Equivalency Committee for approval of equivalency to the National Dairy Code. The *Milk Quality Regulation* under the now repealed *Dairy Products Act* will be repealed in the coming year and redrafted under the *Natural Products Act* in compliance with the National Dairy Code.

Commission staff, in consultation with the New Brunswick Cattle Producers and the New Brunswick Cattle Industry Council, began developing legislation that would regulate the

transportation of cattle within New Brunswick. The purpose of this legislation is to provide a means to trace the movement of cattle within the province so that, should the need arise, an animal's location during all phases of its lifecycle could be readily and accurately determined. The cases of bovine spongiform encephalopathy (BSE) in the West, with the consequent health concerns and trade restrictions, have demonstrated the importance of having an effective cattle traceability system in place in the province.

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## Commission Orders

In compliance with the *Natural Products Act*, the Commission may develop orders that authorize marketing boards and agencies to exercise powers granted to them by regulations. In 2004-2005, the Commission approved ten orders, including borrowing orders for the New Brunswick Potato Agency and New Brunswick Cattle Producers, orders relating to the dairy industry and several orders on milk pricing. The following orders were approved by the Commission:

### Dairy Industry

- 2004-13**      **Wholesale Pricing Order:** Establishes the minimum and maximum wholesale price for milk sold in New Brunswick.
- 2004-14**      **Milk Dealers Records Order:** Instructs milk dealers to maintain current records of each retailer to whom they sell fluid milk products or fluid cream products.
- 2004-15**      **School Milk Pricing Order:** Establishes the maximum wholesale price of milk and the maximum student price for milk sold through the School Milk Program.
- 2004-17**      **Board-Processor Sales Order:** Establishes the process for the sale, transport, delivery and scheduling of milk, as well as the process for the use of bulk milk pick-up slips and receipts, payment to the Board and providing the Board with a plant utilization report.
- 2005-01**      **Producer Pricing Order:** Establishes the price processors must pay dairy producers for their milk; repealed Order 2004-02.
- 2005-02**      **Wholesale Pricing Order:** Establishes the minimum and maximum wholesale price for milk sold in New Brunswick; repealed Order 2004-13.
- 2005-03**      **School Milk Pricing Order:** Establishes the maximum wholesale price of milk and the maximum student price for milk sold through the School Milk Program; repealed Order 2004-15.

**NB Cattle Producers**

**2004-11 NB Cattle Producers Borrowing Order:** Empowers the New Brunswick Cattle Producers to borrow money for operating purposes.

**NB Potato Agency**

**2004-12 NB Potato Agency Borrowing Order:** Empowers the New Brunswick Potato Agency to borrow money for the 2003 Spring Credit Advance Program.

**2004-16 NB Potato Agency Borrowing Order:** Empowers the New Brunswick Potato Agency to borrow money for operating purposes.

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**Commission Hearings**

The Farm Products Commission serves as an appeal body for those who feel aggrieved by decisions made by boards. In that regard, the Commission held two hearings in 2004-2005.

- **Hearing of an appeal by Frank Jopp of a decision of the Dairy Farmers of New Brunswick**  
On March 29, 2004, the Commission received notice of an appeal by Mr. Frank Jopp, a dairy producer, of a decision of the Dairy Farmers of New Brunswick concerning the Credit Exchange. Subsequent to hearing the appeal on April 21, 2004, the Commission found in favour of the Respondent.
- **Hearing of an appeal by Frank Jopp, Joop Duivenvoorden, Ulrich Ludwig, Daniel Clain and Moranda VanGeest of a decision of the Dairy Farmers of New Brunswick**  
The Commission heard an appeal on March 16, 2005, by the following dairy producers: Frank Jopp, Joop Duivenvoorden, Ulrich Ludwig, Daniel Clain, and Moranda VanGeest, of a decision of the Dairy Farmers of New Brunswick concerning the implementation of Solids Non-Fat control measures at the producer level. In this case, the Commission decided in favour of the Respondent.

## Supply Management

The three pillars of supply management are:

Production discipline

Producer pricing

Import control

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In Canada, the dairy, chicken, egg, broiler hatching egg and turkey industries operate under the national supply management system. The effective control of domestic production is one facet that helps equate supply with demand, enabling efficient producers to receive a fair market price to cover the cost of production and a return on investment without the assistance of government subsidies. The existence of supply management is also dependent on import controls. Regulating the level of imported products will influence the domestic production required to sustain the market.

Domestic supply requirements are set by national agencies; Chicken Farmers of Canada (CFC), Canadian Egg Marketing Agency (CEMA), Canadian Turkey Marketing Agency (CTMA), Canadian Broiler Hatching Egg Marketing Agency (CBHEMA), and the Canadian Milk Supply Management Committee (CMSMC). These organizations consist of producer, processor and government representatives from all member provinces.

As a supervisory body, the Commission has a statutory obligation to oversee the operation of national supply management programs, to participate in discussions regarding provincial participation in those programs, and to represent the province in federal/provincial regulated marketing and trade agreements. In fulfilling its 2004-2005 obligations, Commission officials attended six regular meetings of the CMSMC and the Supervisory Body of the All Milk Pooling Agreement (P5), two Atlantic Signatories meetings to develop an Atlantic position on the Federal Provincial Agreement on Eggs and the CFC special meeting to review the amendment of the operating agreement.

Farm Products Commission delegates were present for the annual meetings of the International Association of Milk Control Agencies and CEMA, as well as the annual and summer meetings of CFC and CTMA.

In addition to the previously mentioned meetings, Commission representatives participated in the Avian Influenza: Lessons Learned and Moving Forward workshop, a Canadian Poultry Industry Forum, the National Association of Agricultural Supervisory Agencies (NAASA) forum on the Trends of the Grocery Sector on the Poultry Industry and two P5 Visioning forums.

In the winter of 2005, the Commission conducted a workshop for the New Brunswick Dairy Industry Council to prepare the dairy industry's position on the Agreement on Internal Trade and the impact on the industry when New Brunswick's borders open for fluid milk. The completed report was presented to New Brunswick Ministers.

New Brunswick Farm Products Commission

**Finances**

<u>Account</u>	<u>Description</u>	<u>Expenditure</u>
3430	Civil Service Payroll	\$181,569
3450	Casual Payroll	\$ 31,144
3600	Benefits	\$ 5,947
3700	Membership Fees	\$ 0
4060	Corporate Infra Structure	\$ 5,754
4490	Catering	\$ 2,071
4500	Other Services	\$ 788
4530	Service Contracts	\$ 0
4700	Printing & Copying	\$ 870
4720	Parking	\$ 0
4730	Rentals	\$ 413
4760	Repairs	\$ 85
4780	Legal Fees	\$ 6,780
4790	Consulting/Research Services	\$ 8,900
4860	Telephones	\$ 211
4900	Travel	\$ 47,327
5090	Subscriptions	\$ 221
5630	Supplies	\$ 230
5730	Stationary Supplies	\$ 522
5740	Computer Supplies	\$ 0
6060	Office Furniture	\$ 694
6070	Computer Hardware	\$ 1,101
7000	Grants and Contributions	<u>\$ 0</u>
	TOTAL	\$294,627