

The Dairy Producers Regulations, 1995

being

Chapter A-20.2 Reg 8 (effective January 13, 1995) as amended by the *Statutes of Saskatchewan*, 2000, c.50.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER A-20.2 REG 8

The Animal Products Act

Title

- 1 These regulations may be cited as *The Dairy Producers Regulations, 1995*.

Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Animal Products Act*;
- (b) “**3-A sanitary standards**” means the standards of fabrication and design for dairy equipment published by the International Association of Milk, Food and Environmental Sanitarians, as amended from time to time;
- (c) “**blend price**” means the average monthly price paid to producers for milk pooled and sold pursuant to *The Milk Control Regulations*;
- (d) “**cream**” means that portion of milk, containing at least 18% milk fat, that rises to the surface of milk on standing or that is separated from it by centrifugal force;
- (e) “**dairy barn**” means a building or structure used to house dairy cattle;
- (f) “**dairy farm**” means any place or premises where one or more lactating females of the bovine species are kept and from which a part or all of the milk produced is sold, offered for sale or delivered for human consumption, and includes all buildings, yards and premises occupied or used in connection with the production of milk;
- (g) “**dairy plant**” means a place where any dairy product is pasteurized, standardized, dehydrated or otherwise processed, and, without restricting the generality of the foregoing, includes a cheese factory, a creamery, a cream receiving station and an ice cream plant;
- (h) “**dairy producer**” means a person who supplies milk to a dairy plant;
- (i) “**dairy product**” has the same meaning as in “The Dairy Manufacturing Plant Regulations”, being Saskatchewan Regulations 53/79;
- (j) “**department**” means the department over which the minister presides;
- (k) “**farm bulk milk tank**” means:
 - (i) a stationary farm storage tank maintained in a milk house and used for cooling and storing milk on the premises of a dairy producer; and
 - (ii) fixtures and equipment used in connection with the storage tank;
- (l) “**group I pool**” means the amount of daily milk quota for which a dairy producer receives a blend price;

- (m) **“group I pool price”** means a monthly milk price per hundred kilograms for the group I pool established by the Milk Control Board with respect to all registered dairy producers;
- (n) **“inhibitor”** means any antibiotic, medicine or chemical preparation that can be detected in milk using standard methods;
- (o) **“licence”** means a licence issued pursuant to these regulations;
- (p) **“licensee”** means a dairy producer licensed pursuant to these regulations;
- (q) **“milk”** means the natural lacteal secretion obtained from one or more lactating females of the bovine species, and includes cream, skim milk and any other portion of milk;
- (r) **“milk house”** means a building, or a separate space in a building, that contains a milk room, and includes any of the following if present:
- (i) a vestibule;
 - (ii) a washroom;
 - (iii) an equipment room;
- (s) **“milk room”** means the area or room in a milk house for:
- (i) keeping a farm bulk milk tank;
 - (ii) storing milking equipment, utensils and cleaning supplies;
 - (iii) washing and sanitizing milking equipment, utensils and the farm bulk milk tank;
- (t) **“milking parlour”** means a room where lactating females of the bovine species are milked;
- (u) **“official sample”** means a homogeneous sample of at least 100 millilitres of milk transferred aseptically to a sterile sample container by any person authorized or approved by the minister from any milk supply, and maintained at a temperature between 1° and 4° Celsius for submission to a laboratory approved by the minister for testing in accordance with standard methods;
- (v) **“standard methods”** means the most recently published “Standard Methods for the Examination of Dairy Products” approved by the American Public Health Association, the “Official Methods of Analysis of the Association of Official Analytical Chemists”, or any method approved by the International Dairy Federation or the National Liaison Group on Milk Product Quality.

27 Jan 95 cA-20.2 Reg 8 s2.

3 Repealed. 2000, c.50, s.32.

Prohibition

4(1) No person shall supply milk to a dairy plant in Saskatchewan unless that person holds a licence as a dairy producer issued pursuant to these regulations.

(2) Notwithstanding subsection (1), a person who supplies only cream to a dairy plant is not required to be licensed pursuant to these regulations.

27 Jan 95 cA-20.2 Reg 8 s4.

Application

5(1) A person who desires to be licensed pursuant to these regulations as a dairy producer shall apply to the minister for a licence in the form issued by the department and shall supply any additional information that the minister may require.

(2) Where an application has been submitted in compliance with these regulations, the minister may issue a licence to any dairy producer who produces milk that meets the milk quality standards set out in section 16 and who meets all other requirements respecting dairy facilities, equipment and health and sanitation.

27 Jan 95 cA-20.2 Reg 8 s5.

Conditions respecting licensing of dairy producers

6(1) Licences are to be in the form issued by the department and signed by the minister.

(2) No licence is transferable.

(3) Every licence, unless previously cancelled, expires on December 31 of the year for which it is issued.

(4) Every licensee shall comply with *The Business Corporations Act*, *The Business Names Registration Act*, these regulations and any other Acts or regulations of Saskatchewan.

(5) The minister may refuse an application for a licence or the renewal of an existing licence where a dairy producer has failed to comply with any enactment mentioned in subsection (4).

27 Jan 95 cA-20.2 Reg 8 s6.

Licensing fees

7 No fee is to be charged for the issue of a licence.

27 Jan 95 cA-20.2 Reg 8 s7.

Licences to be displayed

8 Every licensee shall ensure that his or her licence is displayed at all times in a conspicuous place in the milk house.

27 Jan 95 cA-20.2 Reg 8 s8.

Suspension or cancellation of licences

9(1) Where, in the opinion of the minister, a licensee has failed to comply with any provision of the Act or of these regulations, the minister may, after giving the licensee an opportunity to be heard, suspend the licence.

(2) Notwithstanding subsection (1), the minister may suspend a licence without giving the licensee an opportunity to be heard where the minister is of the opinion that to do so is necessary in the public interest for reasons of public health.

(3) Where a licence has been suspended pursuant to subsection (1) or (2):

(a) notice of suspension in writing is to be given by prepaid registered mail to the licensee; and

(b) in the case of a suspension pursuant to subsection (2), the licensee is to be given an opportunity to be heard within 15 days of receiving the notice of suspension.

(4) A licensee is deemed to have received the notice given pursuant to subsection (3) on the fifth day after the day of mailing.

(5) On receiving a notice of suspension pursuant to subsection (3), the licensee shall immediately surrender the licence to the minister.

(6) The minister may reinstate a suspended licence if the licensee, within 30 days of receiving the notice of his or her suspension, furnishes evidence to the satisfaction of the minister that he or she can comply with the provisions of the Act or regulations on account of which the licence was suspended.

(7) Where a licence has been reinstated pursuant to subsection (6), notice in writing is to be given to the licensee that his or her licence has been removed from suspension, together with the reinstatement of the licence.

(8) Where the evidence mentioned in subsection (6) has not been received within the 30 days mentioned in that subsection, the minister may cancel the licence.

(9) Where a licence has been cancelled pursuant to subsection (8), notice of the cancellation is to be given to the licensee by prepaid registered mail.

(10) A licensee is deemed to have received the notice given pursuant to subsection (9) on the fifth day after the day of mailing.

27 Jan 95 cA-20.2 Reg 8 s9.

Dairy facilities and equipment requirements

10(1) A dairy producer who wishes to design, construct or renovate a dairy barn or milk house shall first obtain the written approval of the minister.

(2) The minister may require a dairy producer mentioned in subsection (1) to provide the minister with any information that the minister needs in order to decide whether to grant the approval.

- (3) The design, construction or renovation must meet the standards prescribed in the most recent edition of:
- (a) the Canadian Farm Building Code issued by the Associate Committee on the National Building Code, National Research Council of Canada;
 - (b) the National Dairy Premises Guidelines published by the National Liaison Group on Milk Product Quality; and
 - (c) the Canadian Farm Buildings Handbook published by Agriculture and Agri-Food Canada.
- (4) A dairy producer installing any milking equipment shall ensure that the equipment is installed according to the Standards for Milking and Milk Handling Equipment published by the National Liaison Group on Milk Product Quality.
- (5) A dairy producer shall ensure that the milking and milk handling equipment meets all applicable 3-A sanitary standards for design, fabrication and installation.
- (6) Unless otherwise approved by the minister, a dairy producer shall have not more than one farm bulk milk tank, which must have a capacity sufficient to hold and cool milk from six consecutive milkings at peak production.
- (7) A dairy producer shall ensure that:
- (a) the farm bulk milk tank meets all applicable 3-A sanitary standards;
 - (b) the farm bulk milk tank is provided with lugs on which to place a spirit levelling device; and
 - (c) a farm bulk milk tank manufactured after January 1, 1996 has a recording thermometer or the means for installing a recording thermometer.
- (8) A dairy producer shall ensure that:
- (a) the measuring rod or device and the conversion chart are accurate;
 - (b) the measuring rod and calibration charts bear the same serial number as the serial number on the farm bulk milk tank; and
 - (c) the farm bulk milk tank is level.

27 Jan 95 cA-20.2 Reg 8 s10.

Dairy facilities restricted

11 No person shall:

- (a) except with the prior written approval of the minister, permit animals other than those of the bovine species to be stabled in a dairy barn;
- (b) permit animals other than females of the bovine species to enter a milking parlour;
- (c) permit animals of any species to enter a milk house or milk room.

27 Jan 95 cA-20.2 Reg 8 s11.

Criteria relating to health and sanitation requirements**12** A dairy producer shall ensure that:

- (a) the dairy farm is clean and sanitary and meets with the approval of the minister;
- (b) the dairy barn is managed in such a way as to keep the fly and insect population at a minimum level;
- (c) the dairy barn is kept clean, and that its walls and ceiling are painted or white-washed at regular intervals;
- (d) the milking parlour is kept clean, the walls and ceiling are painted at regular intervals and the floor is flushed with water after each milking;
- (e) the milk house and milk room are kept painted, clean and tidy;
- (f) the water supply used for all dairy purposes is of adequate quantity and potable quality;
- (g) the equipment used for production and handling of milk is cleaned after each use, sanitized before each milking, stored in a sanitary manner and kept in good condition;
- (h) milking is done under clean and sanitary conditions and that no milking is done other than in a stanchion barn, tie stall barn or milking parlour;
- (i) freshly drawn milk is cooled immediately and maintained at between 1° and 4° Celsius in accordance with 3-A sanitary standards; and
- (j) persons who do the milking or who enter the milk house:
 - (i) are clean;
 - (ii) keep their hands clean while engaged in work;
 - (iii) wear clean and washable outer garments;
 - (iv) refrain from any unsanitary practice that may result in contamination of milk or equipment; and
 - (v) are free of any communicable disease that is transmissible through milk and that the dairy producer could reasonably be expected to be aware of.

27 Jan 95 cA-20.2 Reg 8 s12.

Minister to be notified

13 Any dairy producer on whose dairy farm any communicable disease that is transmissible through milk occurs, or who suspects that a dairy worker has contracted a communicable disease of that nature or has become a carrier, shall promptly notify the minister.

27 Jan 95 cA-20.2 Reg 8 s13.

Prohibited milk

14 No person shall sell, supply or offer for sale any milk:

- (a) that contains antibiotics, insecticides, herbicides, colouring matter, preservatives, added water or anything foreign to milk, or that is of disagreeable odour or taste;
- (b) that is produced during the period beginning 15 days prior to and ending five days after parturition; or
- (c) that is produced from an animal known to be infected by a disease injurious to human health, including tuberculosis and brucellosis, unless the milk is first pasteurized in a dairy plant.

27 Jan 95 cA-20.2 Reg 8 s14.

Co-operation with inspector

15 A dairy producer shall permit an inspector, or any person authorized by the minister, to collect samples of milk, and shall provide all reasonable co-operation to an inspector or authorized person.

27 Jan 95 cA-20.2 Reg 8 s15.

Milk quality standards

16 A dairy producer supplying milk to a dairy plant shall ensure that all milk:

- (a) tests negative for inhibitors;
- (b) has a standard plate count not exceeding 50,000 colonies of bacteria per millilitre;
- (c) has a somatic cell count:
 - (i) not exceeding 750,000 cells per millilitre; and
 - (ii) as of January 1, 1996, not exceeding 500,000 cells per millilitre; and
- (d) has a freezing point value higher than $-.508^{\circ}$ Celsius.

27 Jan 95 cA-20.2 Reg 8 s16.

Failure to comply with 16(a)

17(1) Where the milk of a dairy producer does not meet the standards set out in clause 16(a), an infraction is committed, and the dairy producer is subject to the price differential set out in subsection (2) for the full month in which the infraction occurred, for all the milk supplied in that month.

(2) The price differential shall be:

- (a) 4% below the group I pool price for the first infraction incurred within any 12-month period;
- (b) 6% below the group I pool price for the second infraction incurred within any 12-month period;
- (c) 10% below the group I pool price for the third infraction incurred within any 12-month period; and

(d) 15% below the group I pool price for the fourth or subsequent infraction incurred within any 12-month period.

27 Jan 95 cA-20.2 Reg 8 s17.

Failure to comply with 16(b), (c) or (d)

18(1) Where the milk of a dairy producer does not meet the standards set out in clause 16(b) or (d) in two of any three consecutive tests, an infraction is committed, and the dairy producer is subject to the price differential set out in subsection (3) for the full month in which the infraction occurred, for all the milk supplied in that month.

(2) Where the milk of a dairy producer does not meet the standards set out in clause 16(c) in three of any five consecutive tests, an infraction is committed, and the dairy producer is subject to the price differential set out in subsection (3) for the full month in which the infraction occurred, for all the milk supplied in that month.

(3) The price differential shall be:

(a) 2% below the group I pool price for the first infraction incurred within any 12-month period;

(b) 4% below the group I pool price for the second infraction incurred within any 12-month period;

(c) 8% below the group I pool price for the third infraction incurred within any 12-month period; and

(d) 10% below the group I pool price for the fourth or subsequent infraction incurred within any 12-month period.

27 Jan 95 cA-20.2 Reg 8 s18.

New series of tests

19 When an infraction is committed for standard plate count, somatic cell count or freezing point value as provided for in section 18, the next test for standard plate count, somatic cell count or freezing point value constitutes the commencement of a new consecutive series of tests for that factor for the purposes of that section.

27 Jan 95 cA-20.2 Reg 8 s19.

Prohibition

20 In addition to being subject to any applicable price differential for his or her milk, a dairy producer who has supplied milk to a dairy plant that is prohibited pursuant to section 14 or that does not meet the standards set out in section 16, and who is given notice in writing from the minister for the purposes of this section, is prohibited from making further milk shipments until evidence is furnished to the satisfaction of the minister that the milk of the dairy producer is no longer prohibited pursuant to section 14 or that it meets the standards set out in section 16.

27 Jan 95 cA-20.2 Reg 8 s20.

Compliance with minister's requirements

21 Where, in the opinion of the minister, a person who is subject to these regulations is in default of any requirement imposed by these regulations, the minister may order the person in default to remedy the default within a specified time, and the person to whom the order is made shall comply with that order.

27 Jan 95 cA-20.2 Reg 8 s21.

Repeal and transitional

22(1) "The Dairy Producers Regulations", being Saskatchewan Regulations 52/79, are repealed.

(2) Notwithstanding subsection (1), a licence issued pursuant to "The Dairy Producers Regulations" that is in force immediately before the coming into force of these regulations:

(a) unless previously cancelled, expires on the date that it would have expired if these regulations had not come into force, but on expiry may only be renewed as provided for in these regulations; and

(b) for the purposes of these regulations, is deemed to be a licence issued pursuant to these regulations.

27 Jan 95 cA-20.2 Reg 8 s22.

