DFPEI 2012-02
DAIRY FARMERS OF PRINCE EDWARD ISLAND

Order: DFPEI 2012-02

Effective: 1 August 2012

Under the *Natural Products Marketing Act,* R.S.P.E.I.1988, Cap. N-3, and the Dairy Farmers of Prince Edward Island Regulations thereunder, Dairy Farmers of Prince Edward Island makes the following Order:

RAW MILK PRODUCTION AND TRANSPORTATION ORDER

PART I

DEFINITIONS

Definitions

1. In this Order:

Act

(a) "Act" means the *Natural Products Marketing Act*, RSPEI, 1988, Cap.N-3;

automatic milking system

(b) "automatic milking system (AMS)" is a milking system that does not require an individual to conduct the actual milking of the animals. Also known as a robotic milking system;

Board

(c) "Board" means Dairy Farmers of Prince Edward Island created under the *Natural Products Marketing Act*, R.S.P.E.I. 1988, Cap.N-3;

bulk milk grader

(d) "bulk milk grader" means a person licensed by the Board to perform the duties of a bulk milk grader as described in this order and who holds a Bulk Milk Grader's Licence;

bulk milk grader's license

(e) "bulk milk grader's license" means a license issued by the Board for the performance of duties as a bulk milk grader as described in this order;

bulk milk tank

(f) "bulk milk tank" means a vessel for cooling and holding milk until it can be transferred to a transport vehicle;

dairy animal

(g) "dairy animal" means a cow of the bovine family kept for the purposes of milking;

dairy barn

(h) "dairy barn" means a barn in which feeding and holding areas are used in conjunction with a milking system;

dairy farm

(i) "dairy farm" means a farm where dairy animals are kept for milking and from which milk is marketed or sold for processing in a dairy plant or for human consumption, and includes all buildings, yards and premises occupied or used in connection with the production of milk;

dairy plant

(j) "dairy plant" means a premises, building or structure, where milk is received and/or dairy products are prepared;

dairy plant process worker

(k) "dairy plant process worker" means a person who engages in activities, duties and functions related to the manufacture of dairy products;

demerit point

(l) "demerit point" means a score assigned to some items on the Dairy Farm Inspection Report, where zero to five points may be assessed by the inspector depending on the level of compliance with the requirement, with zero indicating full compliance and five indicating failure to meet any expectations for the item being scored;

DFPEI

(m) "DFPEI" means Dairy Farmers of Prince Edward Island;

free stall barn

(n) "free stall barn" means a building with alleyways and individual stalls where dairy animals are housed and have free access to stalls;

inhibitor

(o) "inhibitor" means any substance, other than a bacterial culture, that does not occur naturally in milk and inhibits the growth of bacteria in milk or negatively affects the organoleptic properties of milk or dairy products;

inspector

(p) "inspector" means a person who is a bulk milk grader and is appointed by the Board to inspect dairy farms, dairy barns, milking parlours, milking areas, milk houses, milk handling equipment and transport vehicles as described in this order, to ensure compliance with this order and other orders of the Board regulating the production, handling, storage, transportation and marketing of milk;

laboratory

(q) "laboratory" means the Prince Edward Island Analytical Laboratory, or an alternate, that has been recognized to be in compliance with an international standard (ISO/IEC 17025) and that is designated by the Board to analyse raw milk samples for the Board;

loose housing barn

(r) "loose housing barn" means a structure with a minimum of three walls and a roof that contains no stalls;

major deficiency

(s) "major deficiency" means a violation of an item on the Dairy Farm Inspection Report that requires corrective action and poses significant risk to the safety or quality of the milk, or the safe and sustainable operation of the dairy farm;

milk

(t) "milk" means a normal lacteal secretion free of colostrum obtained from the mammary gland of a dairy animal;

milking area

(u) "milking area" means a segregated area within a dairy barn where dairy animals are milked;

milk house

(v) "milk house" means a building or structure where
(i) milk is cooled and/or stored; and
(ii) milking equipment is cleaned, sanitized, and stored;

milk marketing agency

(w) "milk marketing agency" means a provincial or territorial agency or other such organization or entity, as is defined by the legislation applicable in each province or territory, that has the legislative authority with respect to the marketing of milk;

milking parlour

(x) "milking parlour" means an enclosed area or structure where milking occurs but where no animals are housed;

minor deficiency

(y) "minor deficiency" means a violation of an item on the Dairy Farm Inspection Report that requires corrective action but does not pose an

immediate risk to the safety or quality of the milk, or the safe and sustainable operation of the dairy farm;

pay period

(z) "pay period" means a period of time from the first day of a month to the fifteenth day of a month or from the sixteenth day of a month to the last day of a month as the case may be;

pasteurization

(aa) "pasteurization" means the process of heating every particle of milk to at least 63˚C and holding it at that temperature continuously for at least 30 minutes or heating every particle of milk to a temperature of at least 72˚C and holding it at that temperature for at least 15 seconds or to any other time and temperature combination approved by the Board that has been recognized and shown to be equally efficient;

producer

(bb) "producer" means a person who holds quota and has no other interest in any other quota, who markets or sells milk that has been produced by a herd of dairy animals owned or controlled by the producer;

purchasing agent

(cc) "purchasing agent" means a person appointed by the Board to purchase raw milk from the Board or directly from producers;

quota

(dd) "quota" means a producer's share of the market for milk products as determined by the Board and assigned to a producer by the Board;

raw milk

(ee) "raw milk" means milk that has not been heated beyond 40˚C or undergone any treatment that has an equivalent effect;

sale

(ff) "sale" includes trade, or barter;

tie stall barn

(gg) "tie stall barn" means a barn in which dairy animals are housed in individual stalls;

transfer depot

(hh) "transfer depot" means a building or shelter where milk is transferred from one transport vehicle to another or from one vehicle to a silo; and

transport vehicle

(ii) "transport vehicle" means a vehicle used for the transport of milk and includes a bulk milk truck.

PART II

REQUIREMENTS FOR MILK PRODUCTION PREMISES AND EQUIPMENT

Construction, Arrangement and Operation of Milk Production Premises

Areas and yards

2. (1) The areas and yards surrounding a dairy barn and milk house shall be
(a) configured and maintained in a manner that will not contribute to contamination of milk;
(b) kept free of refuse and animal and vegetable wastes; and
(c) well drained.

Passage by transport vehicle

(2) In order to permit passage by a transport vehicle, the driveway to a milk house shall be maintained by the producer so that it is
(a) accessible in all weather conditions; and
(b) free of animals, animal waste, locked gates and other obstacles.

Dairy Barn

Dairy barn design and construction

3. (1) A dairy barn shall be
(a) provided with a water source for milking operations having non-detectable levels of Escherichia coli bacteria and a maximum of 10 Coliform Bacteria per 100 ml, which shall be tested at least once in each calendar year;
(b) equipped with a water system which prohibits the entry of contaminants; and
(c) constructed and ventilated so as to prevent freezing, water condensation and the accumulation of odours.

Idem

(2) A dairy barn shall be designed, and constructed in a manner that
(a) permits the milking operations carried on therein to be performed under sanitary conditions;
(b) minimizes the contamination of milk;
(c) minimizes damage by dairy animals;
(d) minimizes the entrance, nesting and breeding of pests; and
(e) prevents injuries to dairy animals.

Idem

(3) A dairy barn shall be constructed of materials that
(a) are durable;
(b) permit effective cleaning of all interior surfaces; and
(c) are free of any toxic or noxious substances.

Idem

(4) Subject to subsection (5), floors and alleyways of a dairy barn shall be
(a) constructed of concrete or other impervious materials; and
(b) maintained in good repair and free of standing water.

Idem

(5) Subsection (4) does not apply to bedded areas of loose housing barns or stalls in a free stall barn.

Idem

(6) A dairy barn shall
(a) have walls and ceilings that are hard, washable, and light-coloured;
(b) if required, have stall platforms, gutters, floors, mangers and alleyways made of concrete or other impervious material and be constructed in a manner to prevent random cracking;
(c) subject to section 7(10), have manure removed from alleyways and gutters on a regular basis such that dairy animals remain clean; and
(d) if required, have stalls designed and maintained such that dairy animals are kept clean, dry and comfortable.

Tie stall barn

(7) A tie stall milking barn shall
(a) be provided with light that is protected by shatterproof covers or coatings so as to prevent breaking glass from falling into milk; and
(b) be illuminated with a minimum Lux of 110 in a manner that permits the person conducting the milking operation to
(i) assess the cleanliness of the animals, including udders, and condition of the milk while milking, and
(ii) perform milking operations in a sanitary manner.

Milking Parlour

Milk parlour

4. (1) A milking parlour shall
(a) where required, be equipped with or have ready access to pressurized hot water that shall provide a minimum starting

temperature of 71˚C (160˚F) and an ending temperature of 43˚C (110˚F) and a cold running water system having non-detectable levels of Escherichia coli bacteria per 100 ml and a maximum of 10 Coliform bacteria per 100 ml, which shall be tested at least once in each calendar year, and that is protected from any source of contamination for the water that comes in contact with milk equipment;

(b) be equipped with pipes, hoses and nozzles that are installed and arranged in a manner that permits cleaning of the parlour and equipment;

(c) be equipped with an adequate ventilation system to eliminate condensation and odours that may affect the organoleptic characteristics of the milk;

(d) be adequately equipped to prevent freezing;

(e) be illuminated with a minimum Lux of 110 that permits the person conducting the milking to

(i) assess the cleanliness of the animals, including udders, and condition of the milk while milking, and

(ii) perform milking operations in a sanitary manner;

(f) have walls and ceilings that are

(i) covered with hard, smooth, washable, light-coloured, waterproof material, and

(ii) free of indentations, loose scale, pitting and cracks;

(g) have the lower portion of the walls, above floor level, constructed of concrete or other impervious material;

(h) be kept free of animals other than dairy animals; and

(i) be kept free of dairy animals except during milking times.

Design and maintenance

(2) Doors, windows and all openings leading to the outside must be designed and maintained to minimize the entry of insects, birds, rodents or other pests.

Construction and maintenance

(3) The floor, ramps and platforms of a milking parlour shall

(a) be constructed of concrete or other impervious material;

(b) be free of cracks and crevices;

(c) be constructed to allow effective cleaning; and

(d) have covered drains, equipped with traps, that are sloped so as to flow into a wastewater drainage system.

Milking area

(4) A milking area must meet the requirements of subsection 4(1) (a), (b), (c), (d), (e), (h), (i) and 4(3) (a), (b), (c), (d) and if applicable, the requirements of subsection 4(2).

Automatic milking system

(5) An automatic milking system may only be installed in premises that meet the requirement of subsection 4(1) (a), (b), (c), (d), (e), (g), (h).

Milking area

(6) The milking area and the automatic milking system premises must be separated from the rest of the dairy barn by a holding area with a clean floor free from accumulation of manure.

Milk House

Milk house use

5. (1) A producer shall have a milk house used exclusively for
(a) cooling and storing milk; and
(b) cleaning, sanitizing, storing materials and equipment used in the production and handling of milk.

Construction and maintenance

(2) A milk house shall
(a) be fitted with solid, self-closing, tight-fitting doors that are kept closed when not in use where the milk house enters directly into a milking barn or housing area;
(b) be located, constructed and maintained so as to prevent any objectionable odours from entering the milk house; and
(c) be accessible from an exterior entry point that does not require travel through animal traffic areas.

Idem

(3) The floors of a milk house shall
(a) be constructed of washable, waterproof material and be sealed at the intersection with the walls;
(b) be free of indentations, cracks or crevices;
(c) be sloped to covered drains, equipped with traps, to ensure the drainage of wastewater;
(d) have a wastewater drainage system; and
(e) have a concrete or impervious curb rising above the floor.

Milk house equipment and construction

(4) A milk house shall
(a) be equipped with pressurized hot water that shall provide a minimum starting temperature of 71˚C (160˚F) and an ending temperature of 43˚C (110˚F) and a cold running water system having non-detectable levels of Escherichia Coli bacteria per 100 ml and a maximum of 10 Coliform bacteria per 100 ml, which shall be tested at least once in each calendar year,
(i) with pipes, hoses and nozzles installed and arranged in a manner that permits cleaning and rinsing of the milk house floor, equipment, and bulk milk tank, and
(ii) that is protected from contamination to the water;
(b) be equipped with an adequate ventilation system to eliminate condensation and odours that may affect the organoleptic characteristics of the milk;
(c) be adequately equipped to prevent freezing;
(d) have sufficient lighting to permit milk handling operations, inspection, cleaning and sanitizing of the premises and equipment;
(e) have walls and ceilings that are
(i) covered with hard, smooth, washable and waterproof material, and
(ii) free of indentations, pitting and cracks;
(f) be kept free of animals; and

Protection of lights

(g) be provided with light with a minimum Lux of 110 that is protected by shatterproof covers or coatings so as to prevent breaking glass from falling into milk.

Exterior doors, windows and openings

(5) Doors, windows and all openings leading to the outside must be designed and maintained to prevent the entry of insects, birds, rodents or other pests.

Contents of milk house

(6) A milk house shall contain
(a) a dual-compartment sink with a concave bottom, or a single compartment sink with concave bottom for washing equipment, and a separate sink for washing hands;
(b) the necessary materials for sanitary washing and drying of the hands; and
(c) a cupboard, stands or shelves of non-corrodible material located off the floor to store the materials, and equipment used in the production and handling of milk.

Trapped drains

(7) All sinks referred to in subsection (6) shall be equipped with a trapped drain connected to a wastewater drainage system.

Toilet

(8) Where a milk house is provided with a toilet, the toilet shall not open directly into the milk house working area.

Cleaning materials

(9) All cleaning materials used in the production and handling of milk shall be stored in a milk house in a location and manner that will not contaminate the milk.

Toxic products

(10) No pesticides, or other toxic products, other than those that are directly related to the operation of a milk house, shall be stored in a milk house. Those pesticides and toxic products shall be stored and used in a manner that will not contaminate the milk.

Storage of veterinary drugs

(11) All veterinary drugs and other treatments stored in a milk house shall be kept in a closed cupboard or refrigerator in a manner that prevents contamination of the milk and minimizes the risk of improper use.

Milk house design

(12) A milk house shall be designed in a manner that
(a) permits the installation of a bulk milk tank having free space around it to allow for the required operations such as inspection, transfer of milk and cleaning; and
(b) the ceiling is high enough to permit the inspection and sampling of the milk as well as the reading and complete removal of the gauge or dipstick of the bulk milk tank.

Hose port

(13) In cases where milk is shipped from the bulk milk tank, a milk house shall be equipped with a hose port that is kept closed when not in use, located in a wall close to the bulk tank outlet through which the hose connecting the bulk milk truck to the bulk milk tank may pass to permit collection.

Exterior surfaces and equipment

(14) There shall be
(a) a hard surface outside the milk house and directly below the hose port, that is connected to the main entrance of the milk house by a

sidewalk constructed of hard material, that is large enough and adequately maintained to keep the hose from the bulk milk truck clean;

(b) a grounded exterior electrical outlet adjacent to the hose port and controlled by a bipolar switch located on the interior wall of the milk house in a location accessible to the bulk milk grader; and

(c) in cases where milk is shipped from the bulk milk tank, a window in the milk house that permits the bulk milk grader to observe the transfer pump compartment of the bulk milk truck's tank from inside the milk house.

Installation and operation of milk house equipment

(15) When located in a milk house, the refrigeration compressor, vacuum pump of the milking system, water heater and the water pump, shall be installed and operated in a manner that does not contaminate the milk.

Bulk milk tank installation

(16) A bulk milk tank shall be installed in a milk house.

Bulk milk tank equipment and use

(17) A bulk milk tank installed in a milk house shall

(a) be used exclusively for the storage and cooling of milk;

(b) have sufficient cooling and storage capacity in the form of one farm bulk tank to hold the milk between regular scheduled pickups;

(c) be equipped with a dipstick or gauge or other measuring device authorized by the Board to permit determination of the volume of milk contained in the tank on the basis of the calibration table bearing the same serial number as the dipstick or gauge and the tank;

(d) have mechanical agitation capable of restoring uniformity of all milk constituents throughout the tank without splashing or churning of the milk;

(e) not use air agitation;

(f) be equipped with intermittent controlled agitation that provides a minimum of 5 minutes of agitation every hour or longer if necessary to keep the milk homogeneous;

(g) be suitable for cooling the milk and maintaining it at a temperature greater than 0˚C and less than or equal to 4˚C;

(h) be equipped with a thermometer in working order bearing graduations from at least 0˚C to 50˚C and showing the temperature of the milk contained in the tank to within 1˚C;

(i) be equipped with an outlet cap; and

(j) be levelled for use with the manufacturer's chart or other chart approved by the Board, or be calibrated when installed, relocated or on evidence that calibration is required.

Tanks extending outside milk house

(18) When any portion of a tank extends outside the milk house, the following are required:

(a) the manhole, vent and outlet must be located inside the milk house;

(b) the portion of the tank mounted outside the milk house must be in a clean area, which will allow the tank to be maintained in a clean

and sanitary manner, and will allow sanitary access to any external agitator mounts during service;

(c) access to all parts of the tank, except for the bulk-headed wall, must be maintained to allow inspection for cracks;

(d) if a portion of the tank is outdoors it must be protected from animals and vehicles by design or barrier and the motors and agitator shafts must be properly protected with appropriate weatherproof installations;

(e) the tank leg supports must be sufficiently mounted to prevent torsion and cracking in the tank;

(f) the tank must not be used for a wall or ceiling support; and

(g) the walls shall be tightly sealed with a gasket around the tank where the tank is bulk headed.

Emptying, cleaning and sanitizing of bulk milk tanks

(19) A bulk milk tank shall be

(a) emptied at least once every two days for cow milk, unless approval for a longer period is granted by the Board; and

(b) cleaned and sanitized following each transfer of milk to the bulk milk truck.

Temperature of milk

(20) The milk contained in the bulk milk tank or in other facilities shall be maintained at a temperature greater than 0˚C and less than or equal to 4˚C until collection.

Idem

(21) The temperature prescribed for milk in subsection (20) shall be achieved in the following manner:

(a) the first milking placed in the bulk milk tank shall be cooled to 10˚C or less within one hour, and further cooled to a temperature of greater than 0˚C and less than or equal to 4˚C within two hours after milking;

(b) when subsequent milkings enter the tank, the blend temperature shall not rise above 10˚C and milk shall be cooled to a temperature of greater than 0˚C and less than or equal to 4˚C within one hour after milking;

(c) in the case of an AMS

Idem

(i) The temperature must be greater than 0˚C and less than or equal to 4˚C within 2 hours from the start of milk harvest (i.e. from the moment milk is diverted to the buffer or storage tank). (The 2-hour delay includes the time that milk is in the buffer or storage tank.), and

(i) The blend temperature must not ever go above 4˚C for longer than 15 consecutive minutes.

Idem

(22) The blend temperature must not ever go above 4˚C for longer than 15 consecutive minutes.

Alternative storage temperature

(23) Alternative storage temperature regimes for raw milk used in the manufacture of specialty products may be approved where necessary, by the Board, in consultation with the Department of Health and Wellness, as long as health and safety standards are maintained.

Milk Handling Equipment

Milk handling equipment

6. All equipment used for the purpose of collecting, cooling, holding, storing and transferring milk shall
   (a) be used only for that purpose;
   (b) be maintained in working order; and
   (c) have surfaces that come into contact with milk which are
      (i) constructed of non-corrodible materials,
      (ii) smooth and free of cavities, open seams and loose particles,
      (iii) non-toxic and resistant to damage from cleansers and sanitizers, and
      (iv) unaffected by milk and which do not adversely affect the quality of the milk.

PART III

HYGIENE DURING MILKING

Hygiene of premises, materials and equipment

7. (1) The premises, materials and equipment of the dairy barn, milking parlour and milk house shall be kept clean and maintained in good repair and operational condition which shall be evaluated at least annually by an inspector.

Personal Hygiene

(2) A person who is milking shall
   (a) ensure their hands are clean at all times by washing their hands and drying them with single service towels before the start of milking, and any time hands are soiled;
   (b) have clean clothing; and
   (c) in a case where the person has an open lesion, wear a waterproof dressing that prevents contamination of the milk.

No wet hand milking

(3) In the case of hand milking, a person shall not engage in wet hand milking.

Infections and communicable diseases

(4) No person infected with or carrying any communicable disease that may be transmitted through the milk, shall work in a capacity that involves the production, handling, storage or transportation of raw milk.

Pre-milking procedures

(5) Prior to milking, a person shall
   (a) ensure that the sides, flanks, udder and belly of the animal are clean;
   (b) clean and sanitize the teats with a product approved for udder hygiene and dry them hygienically;
   (c) examine the first stream of milk from each teat and discard it in a manner that prevents contamination of the milking area; and
   (d) discard any abnormal milk that is collected.

Automatic milking procedures

(6) In cases where milking is performed by an automated milking system, the producer and/or operator must ensure that the animals are clean and that the system will
(a) clean and sanitize the teats and discard the first milk streams; and
(b) detect and discard abnormal milk.

Sanitation after milking

(7) The person who is milking shall, immediately after removing the milking machine, sanitize the teats with a teat dip solution approved for that purpose under the Food and Drugs Act (Canada).

Changing or distribution of bedding

(8) Bedding shall not be changed or disturbed while milking is performed in the dairy barn.

Removal of liquid manure

(9) Subject to subsection (10) solid and liquid manure shall be removed daily from the dairy milking barn.

Accumulation of manure in loose housing

(10) Manure may be permitted to accumulate in a loose housing barn provided there is sufficient bedding to ensure a clean, dry rest area for the dairy animals.

Filtration of milk

(11) All milk shall be filtered prior to storage and a new filter shall be installed prior to milking.

Milking other species prohibited

(12) Milking any species of animal in a dairy barn, other than a dairy animal as described in this order, is prohibited.

Cleaning, sanitization and storage of milking equipment

(13) Equipment that comes into contact with the milk during milking shall
(a) be rinsed, washed with a detergent and an acid compound, rinsed and drained within one hour after use;
(b) when not in use, be stored in a manner that prevents contamination; and
(c) be sanitized and drained immediately before use.

Milk equipment sanitation procedures

(14) A producer shall have procedures for the milking equipment sanitation program accessible in the milk house and ensure that they are followed.

Acceptable cleaning agents, etc.

(15) A person shall only use a cleaning agent, sanitizer or pesticide that meets the standards established by the Food and Drugs Act or the Pest Control Products Act or that is in the reference listing of accepted construction materials, packaging materials and non-food chemical products published by the CFIA and available through the Internet

(http://www.inspection.gc.ca**).**

Storage of acceptable cleaning agents, etc.

(16) All detergents, sanitizers, insecticides, pesticides and other pest control products shall be kept in their original labelled containers or kept in containers that are labelled to ensure easy identification of the type of products that they contain.

PART IV

ANIMAL HEALTH REQUIREMENTS FOR RAW MILK PRODUCTION

Separation of non-dairy animals

8. (1) A dairy barn shall be used only to house dairy animals being kept for the purposes of milking. Bovine, caprine and equine animals may be housed in the dairy barn provided they are housed in a separate area according to their species.

Sale of milk from diseased animals

(2) No producer shall sell or offer for sale milk that is obtained from a dairy animal that shows evidence or other visible signs of disease transmissible to humans by milk; or that adversely affects the quality or flavour of the milk.

Segregation of dairy animals

(3) Dairy cows shall be kept in separate closed sections when other species of animals are maintained in the same operation.

Acceptable drugs and drug products

(4) Only drugs or products approved for administration to dairy animals under the Food and Drugs Act (Canada), the Feeds Act (Canada), the Pest Control Products Act (Canada), the Canada Agricultural Products Act and any applicable provincial legislation, may be administered to a dairy animal. Medications, drugs and products must be administered as prescribed by a veterinarian or if the medication is authorized for sale without a prescription, it must be administered as directed by the manufacturer's instructions on the label.

Identification of treated animals

(5) A producer shall clearly identify treated dairy animals that require milk to be withheld and maintain a record of all veterinary drug use.

Housing of calves

(6) Calves shall be kept in separate pens or box stalls when housed in the same facility as the milking herd.

PART V

HANDLING AND TRANSPORT OF BULK MILK

Licenses and Certificates

License required to transport raw milk or operate a tank truck

9. (1) No person shall transport raw milk or operate a transport vehicle in Prince Edward Island for the purpose of transporting raw milk without being the holder of the appropriate license from the Board.

Entitlement to license and fees

(2) A transporter of bulk milk and a transport vehicle operator who holds a valid bulk milk graders certificate and complies with the provisions of this order, and continues to do so, shall be entitled to an appropriate license from the Board upon payment of the appropriate license fee;

(a) in the case of a transporter of bulk milk, the license fee shall be twenty-five dollars per calendar year;

(b) in the case of a transport vehicle operator/bulk milk grader, the license fee shall be ten dollars per calendar year.

Issuance of license

(3) The licences specified in subsection (1) may be

(a) issued by the Board without application by the prospective licensee; and

(b) made subject to any terms and conditions the Board considers appropriate.

Suspension or revocation of license

(4) The Board may suspend or revoke, or refuse to issue or renew a license for failure to provide or perform the licensed service or, for failure to observe, perform or carry out the provisions of the Act or Orders of the Board.

Form of license

(5) All licenses shall be issued by the Board on a form provided by the Board.

Course for bulk milk graders

10. (1) All bulk milk graders must attend an approved course, or refresher course, and obtain a milk graders certificate, from an accredited institution as often as the Board considers necessary, on the grading and collection of milk from a farm bulk tank.

Provisional milk graders license

(2) The Board may issue provisional bulk milk grader's licenses to persons engaged in the collection and transportation of bulk milk who have not completed an approved course on the grading and collection of milk from farm bulk tanks.

Previous Certificate

(3) A provisional bulk milk grader's license shall not be issued to any person who has previously held such a license.

Duration

(4) A provisional bulk milk grader's license shall expire on the date specified thereon as the expiry date.

Idem

(5) Persons issued with provisional bulk milk grader's license shall be subject to such monitoring, instruction and further training as the Board may consider necessary.

Collection of milk

(6) No person shall collect milk from a bulk milk tank unless he is the holder of a valid transport vehicle operator/ bulk milk grader's license, or a valid tank truck operators/provisional bulk milk grader's license issued by the Board.

Requirement to carry license

(7) The license shall be carried by the individual when engaged in grading, collection and transportation of milk.

Form

(8) Licenses shall be issued by the Board on a form provided by the Board.

Training program

(9) Any person who performs the duties of a bulk milk grader under this Order shall have completed and passed a training program designed specifically for that purpose, and approved by the Board, at least every three years.

Authorization

(10) A person who grades or collects milk, operates a transport vehicle or bulk milk transfer depot, or performs other duties related to the grading, or transporting of milk must be authorized to do so by the Board.

Clothing and personal hygiene

(11) A bulk milk grader shall
- (a) wear clean clothing while performing any activities, duties or functions under this order;
- (b) wear a waterproof dressing over any open lesion that prevents contamination of the milk; and
- (c) not enter the animal housing areas.

Transfer of milk

(12) A bulk milk grader shall not transfer milk from a bulk milk tank where
- (a) the milk in the tank has been placed under detention by the Board; or
- (b) the producer has been prohibited from shipping milk by the Board.

Collecting milk

(13) A bulk milk grader, when collecting milk from the bulk milk tank, shall
- (a) use the hose port;
- (b) ensure that their hands are clean before handling or touching equipment;
- (c) accept or reject the milk contained in the bulk milk tank on the basis of its flavour, appearance, odour, temperature or other abnormalities;
- (d) measure the volume of milk contained in the producer's bulk milk tank;
- (e) draw a representative sample of milk in an aseptic manner
  - (i) by means of the mechanical sampler on the bulk milk truck,
  - (ii) directly from the producer's bulk milk tank; using a pipette, sanitized dipper rinsed in the milk prior to sampling or other sanitary sampling device, following agitation of the milk contained in the tank for at least 5 minutes or as otherwise authorized by the Board to assure uniformity of the milk, or
  - (iii) as otherwise prescribed by the Board;
- (f) maintain all samples at a temperature greater than 0˚C and less than or equal to 4˚C and deliver them to the responsible person at the dairy plant or other designated area;

(g) record on a collection report all information required by the dairy plant, Board or milk marketing agency; and
(h) following transfer of the milk to the bulk milk truck, disconnect the hose, and rinse the interior surfaces of the bulk milk tank with lukewarm or cold water.

Unacceptable milk

(14) The bulk milk grader shall leave the milk in the bulk milk tank, where the milk in the tank,
(a) is abnormal in odour;
(b) is abnormal in flavour;
(c) contains objectionable matter or other physical defects or abnormality;
(d) is abnormal in temperature;
(e) would, if transferred to the bulk milk truck, have a detrimental effect on the milk in the bulk milk truck or on subsequent transfers of milk;
(f) is otherwise not of good quality; or
(g) cannot be sampled.

Written notice

(15) The bulk milk grader shall, following taking the action referred to in subsection (14), issue a written rejection notice to the producer detailing the reason for the rejection, or any other information required by the Board, and as soon as possible thereafter inform the dairy plant, who shall inform the Board of this action.

Rejected milk

(16) A bulk milk tank containing rejected milk, as per subsection (14), must be identified with a rejection notice such that the milk will not be used for human consumption and the milk shall be disposed of in an acceptable manner.

Corrective Action

(17) When a bulk milk grader rejects milk, the Board shall determine whether action has been taken by the producer to correct the reason for the rejection before future milk production is picked up.

Transport Vehicles

Use of equipment

11. (1) Bulk milk trucks shall be used exclusively for the transportation of milk, dairy by-products or potable water unless otherwise authorized by the Board.

Protection from contamination

(2) A vehicle used to transport milk in containers must be equipped to protect the milk and the containers against any source of contamination. It must also be capable of preventing the temperature of milk from rising above 6˚C until it is delivered to the dairy plant.

Bulk milk truck contact surfaces

(3) Bulk milk trucks shall have milk contact surfaces that are
(a) constructed of corrosion resistant materials;
(b) smooth and free of cavities, open seams and loose particles;
(c) non-toxic and resistant to damage from cleansers and sanitizers;

(d) unaffected by milk and which do not adversely affect the quality of the milk; and
(e) readily washable.

Temperature and spray balls

(4) The tank of a transport vehicle shall be
(a) constructed in a manner such that the temperature of the milk cannot rise more than 2˚C in 24 hours; and
(b) designed and equipped with a sufficient number of spray balls to allow for proper cleaning.

Washing and sanitization

(5) When in use, the tank and accessories of the transport vehicle shall be washed and sanitized at least once per day in a manner that prevents contamination of the milk.

Storage compartment

(6) A transport vehicle shall be equipped with a compartment to store hose, pump and any equipment used in the transfer of milk to protect them from any source of contamination.

Milk Transfer Depots

Transfer depots

12. (1) Transfer depots shall
(a) be constructed and maintained to prevent risk of contamination to the milk during the transfer process;
(b) provide hot and cold pressurized water having non-detectable levels of Escherichia Coli bacteria per 100 ml. and a maximum of 10 coliform bacteria per 100 ml, to permit the proper sanitizing of the bulk milk truck and equipment;
(c) provide sanitary storage space for equipment used in the transfer of milk; and
(d) be maintained free of pests.

Storage of pesticides, sanitizers and other products

(2) Pesticides, sanitizers and any other products used in the operation of a transfer depot shall be used and stored in a manner that will not cause contamination of the milk or milk transfer equipment.

Approved transfer depots and dairy plants

(3) Milk transfers shall only take place in an approved transfer depot or a dairy plant unless authorized by the Board.

Transfers from one truck to another truck

(4) Transfers of milk from one bulk milk truck to another shall be conducted using a hose connected to a truck valve at both ends.

PART VI

CRITERIA FOR RAW MILK

Raw milk standards

13. (1) Raw milk must meet the standards set out in Table 1 to this order.

Validation methods

(2) Only approved validated methods which conform to the handling, procedural, and quality control parameters described in 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", any method recognized by the International Dairy Federation/International Standards Organization (ISO), or any other method approved by the Board shall be used for the analysis of milk.

Unacceptable milk

(3) Milk shall not be sold that

(a) comes from an animal 15 days prior to and 3 days after parturition, or such longer period that is necessary to assure that the milk is free of colostrum;
(b) contains blood or other foreign particles;
(c) is watery or coagulated;
(d) has odours or flavours that adversely affect its organoleptic characteristics; and
(e) is contaminated by chemical, toxin, drug or any other foreign substance.

Testing of milk samples

(4) Milk samples taken from producers shall be tested

(a) for somatic cells at least once during each week of each calendar month, which tests results shall be averaged using a geometric mean to determine the official laboratory test result for that calendar month;
(b) for bacteria twice during each pay period, except that two tests shall not be conducted during the same week;
(c) for added water once per month; and
(d) for inhibitors as provided for in S. 14(19) & (21).

Recognized testing methods

(5) Raw milk samples, obtained for the purposes of this Order, shall be tested using recognized methods in an accredited laboratory as designated by the Board.

Detention of milk with inhibitors

(6) Where milk of a producer tested under subsection 13(4) is found to contain an inhibitor, an inspector shall place under detention all milk of the producer.

Testing for inhibitors

(7) If the milk of a producer is placed under detention under subsection (6), an inspector shall collect and have tested the necessary samples of milk by an official method in order to determine if the sample contains an inhibitor.

Reporting inhibitor testing

(8) The results of the testing of a sample under subsection (6) shall be made known to the producer by the Board within twenty-four hours of the time the milk was placed under detention.

Release from detention

(9) Where the testing of a sample under subsection (7) shows that the milk does not contain an inhibitor, the inspector shall release the milk from detention.

Notification and steps

(10) Where the testing of a sample under subsection (7) shows the presence of an inhibitor, the inspector shall:

(a) notify the Board and the dairy plant 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.

Notification to transport vehicle operator

(11) Upon receiving notice under subsection (10), the Board shall notify the dairy plant or the transport vehicle operator that the milk from which the sample was taken shall not be marketed.

PART VII

VIOLATIONS AND PENALTIES

Violation

14. (1) In this section "violation" means a failure to comply with the requirements of this section in the appropriate period during any rolling twelve-month period.

Milk analysis

(2) The Board shall require the analysis of milk from every milk producer and, where analysis reveals the milk examined does not meet the standards set out in this order , shall inform the milk producer.

Form of analysis

(3) The analyses shall include testing for bacteria, somatic cells, adulteration, inhibitors and such other analyses as the Board considers necessary.

Milk exceeding standards

(4) No milk producer shall sell or offer for sale milk that exceeds the standards set out in Table 1, hereinafter referred to as the standards.

Determination of somatic cell count

(5) For the purpose of determining a producer's somatic cell count, a rolling three month geometric mean of the producer's official monthly somatic cell count tests shall be used.

Determination of bacteria count

(6) For the purpose of determining a producer's bacteria count, the results of a bacteria analysis performed by an automated bacteria analysis machine (Bactoscan) shall be used.

Somatic cell count violation

(7) A somatic cell count violation occurs if the somatic cell count determined in accordance with subsection 14.(5) exceeds the somatic cell count standard set out in Table 1 to this Order.

Bacteria violation

(8) A bacteria violation occurs if the bacteria count determined in accordance with subsection 14.(6) exceeds the bacteria standard set out in this order in two successive bacteria tests. The results of any test shall not be used in determining more than one violation.

Bacteria count history

(9) Effective 1 August 2012, the rolling twelve-month bacteria count history starts at zero for all producers.

Somatic cell count transition

(10) From 1 August 2012 until 30 September 2012, the rolling three-month geometric mean used to calculate a producer's somatic cell count violation shall be based on the maximum somatic cells per ml allowed up to and including July 2012, as set out in Table 1 to this Order.

Somatic cell count limit

(11) Commencing with the month of October 2012, the rolling three-month geometric mean used to calculate a producer's somatic cell count violation shall be based on the maximum somatic cells per ml allowed as of 1 August 2012, as set out in Table 1.

Somatic cell count violations and penalties

(12) A milk producer whose rolling three-month geometric mean somatic cell count test exceeds the standard set out in Table 1 during a rolling twelve-month period shall be penalized by the Board on all the producer's milk shipments made during that month as follows:

(a) first violation during a rolling twelve-month period: $5.00 per hl;

(b) second violation during a rolling twelve-month period: $10.00 per hl;

(c) third violation during a rolling twelve-month period: $15.00 per hl, plus a hearing before a Production Standards Committee created by the Board to determine whether the producer has taken steps to correct the problem and immediate prohibition from selling or offering for sale any milk produced on the premises for a minimum period of seven days, which may be extended if the producer's milk fails to meet any standard or if the producer has failed to take action to prevent recurrence of the violation;

(d) fourth and subsequent violation during a rolling twelve-month period $20.00 per hl, plus immediate prohibition from selling or offering for sale any milk produced on the premises for an indefinite period.

Bacteria count violations and penalties - transition

(13) For the period 1 August 2012 to 31 January 2013 a milk producer whose milk exceeds the bacteria standard shall be penalized by the

Board on all the producer's milk shipments made during the pay period in which the violation occurs:

(a) first violation during a rolling twelve-month period: $3.00 per hl;
(b) second violation during a rolling twelve-month period: $5.00 per hl;
(c) third violation during a rolling twelve-month period: $10.00 per hl;
(d) fourth violation during a rolling twelve-month period: $15.00 per hl, plus a hearing before a Production Standards Committee created by the Board to determine whether the producer has taken steps to correct the problem and immediate prohibition from selling or offering for sale any milk produced on the premises for a minimum period of seven days, which may be extended if the producer's milk fails to meet any standard or if the producer has failed to take action to prevent recurrence of the violation; and
(e) fifth and subsequent violation during a rolling twelve-month period: $20.00 per hl, plus immediate prohibition from selling or offering for sale any milk produced on the premises for an indefinite period of time.

Bacteria count violations and penalties

(14) Effective 1 February 2013 a milk producer whose milk exceeds the bacteria standard shall be penalized by the Board on all the producer's milk shipments made during the pay period in which the violation occurs

(a) first violation during a rolling twelve-month period: $5 per hl;
(b) second violation during a rolling twelve-month period: $10.00 per hl;
(c) third violation during a rolling twelve-month period: $15.00 per hl, plus a hearing before a Production Standards Committee created by the Board to determine whether the producer has taken steps to correct the problem and immediate prohibition from selling or offering for sale any milk produced on the premises for a minimum period of seven days, which may be extended if the producer's milk fails to meet any standard or if the producer has failed to take action to prevent recurrence of the violation; and
(d) fourth and subsequent violation during a rolling twelve-month period: $20.00 per hl, plus immediate prohibition from selling or offering for sale any milk produced on the premises for an indefinite period of time.

Inhibitor violations and penalties

(15) A milk producer whose milk is found to contain inhibitors on a test conducted during a pay period shall be penalized by the Board on all the producer's milk shipments made during that pay period as follows:

(a) first violation during a rolling twelve-month period: $5.00 per hl;
(b) second violation during a rolling twelve-month period: $10.00 per hl;
(c) third violation during a rolling twelve-month period: $15.00 per hl, plus a hearing before a Production Standards Committee created by the Board to determine whether the producer has taken steps to correct the problem and immediate prohibition from selling or offering for sale any milk produced on the premises for a minimum period of seven days, which may be extended if the

producer's milk fails to meet any standard or if the producer has failed to take action to prevent recurrence of the violation; and

(d) fourth and subsequent violation during a twelve-month period: $20.00 per hl, plus immediate prohibition from selling or offering for sale any milk produced on the premises for an indefinite period of time.

Milk containing added water

(16) A milk producer whose milk is found to contain added water during a pay period shall be penalized by the Board on all his milk shipments in that pay period as follows:

(a) first violation during a rolling twelve-month period: $5.00 per hl;

(b) second violation during a rolling twelve-month period: $10.00 per hl;

(c) third violation during a rolling twelve-month period: $15.00 per hl, plus a hearing before a Production Standards Committee created by the Board to determine whether the producer has taken steps to correct the problem and immediate prohibition from selling or offering for sale any milk produced on the premises for a minimum period of seven days;

(d) fourth and subsequent violation during a twelve-month period: $20.00 per hl plus immediate prohibition from selling or offering for sale any milk produced on the premises for an indefinite period of time.

Reinstatement

(17) A producer who has reached violations as indicated in subsections (12)(d), (13)(e), (14)(d), (15)(d) or (16)(d) shall not be reinstated for shipping milk until a sample of the producer's milk taken by an inspector is tested and found to meet all standards required in this Order and the producer has demonstrated to the Production Standards Committee that he has taken appropriate action to prevent recurrence of the violations in the future.

Testing bulk loads for inhibitors

(18) All bulk loads of milk shall be tested for inhibitors by the receiving dairy plant before the milk is unloaded. In the case where a transport vehicle has multiple storage compartments all compartments shall be tested.

Bulk loads of milk containing inhibitors

(19) Where a bulk load or compartment on a load of milk tests positive for inhibitors by a dairy plant, the dairy plant shall

(a) reject the milk;

(b) advise the Board and the laboratory that the load tested positive for inhibitors; and

(c) immediately provide the laboratory with

(i) the remainder of the milk sample taken from the bulk milk load that tested positive for inhibitors, and

(ii) a sample of milk taken from each producer's farm bulk milk tank contained in the bulk load of milk that tested positive for inhibitors.

Disposal of milk containing inhibitors

(20) Milk that tests positive for inhibitors shall not be used for human consumption and the milk shall be disposed of in an acceptable manner.

Confirmatory tests for inhibitors

(21) The laboratory shall conduct tests from the remainder of the bulk milk load/ compartment sample that tested positive for inhibitors and the individual producer samples contained in the load/compartment, using an approved test method, to confirm the presence of inhibitors and to identify the milk producer(s) whose milk contains inhibitors.

Action upon confirmation of presence of inhibitors

(22) Where the samples of one or more producers whose milk is on the bulk milk load test positive for inhibitors, the receiving plant and Board shall be notified and those producer(s) whose test(s) is (are) positive shall not be paid for their milk on the load and they shall be financially responsible for the value of other producer's milk on the load plus transportation costs and disposal costs on a pro-rata basis.

Negative bulk milk loads

(23) Where the bulk milk load sample test and producer samples test negative for inhibitors, the laboratory shall advise the dairy plant and the Board.

Notice to the Board

(24) The laboratory shall provide the Board with the names of producers who have exceeded any standards set out in Table 1 on the day the test is read.

Notice to producers

(25) The Board shall notify producers when test results exceeds a standard, the rate of any penalty being deducted and the reason for the deductions by telephone, fax or email within one business day of receiving the information from the laboratory. The Board shall send the producer a written confirmation of the test results by ordinary mail within two business days of receiving the test results from the laboratory.

Standards, facilities, etc.

(26) All milk producers are responsible for ensuring their farm, facilities, dairy animals and production procedures meet the standards as outlined in this Order.

Idem

(27) A milk producer who fails to comply with this order respecting farm facilities, dairy animals and production procedures, may be penalized by the Board or may be prohibited by the Board from selling milk until such time as the farm facilities, dairy animals and production procedures meet the standards outlined in this Order.

Violations and penalties for failure to meet standards

(28) A milk producer who is found to be in violation of subsection (27) shall be penalized by the Board on all his milk shipments during the pay period in which the violation occurred, as follows:

(a) first violation during a rolling twelve-month period: $5.00 per hl;
(b) second violation during a rolling twelve-month period: $10.00 per hl;
(c) third violation during a rolling twelve-month period: $15.00 per hl plus a hearing before a Production Standards Committee created by the Board to determine whether the producer has taken steps to correct the problem and immediate prohibition from selling or offering for sale any milk produced on the premises for a minimum period of seven days, which may be extended if the producer fails to demonstrate to the Production Standards Committee that appropriate action has been taken to correct the shortcomings identified in the inspection and prevent their recurrence;
(d) fourth and subsequent violation during a rolling twelve-month period: $20.00 per hl plus immediate prohibition from selling or offering for sale any milk produced on the premises for an indefinite period of time.

Reinstatement

(29) Notwithstanding subsection (28)(c) and (d), a producer shall not be reinstated for shipping milk until the inspector is satisfied that the producer's premises meets the minimum farm premises standards and the producer has demonstrated to the Production Standards Committee that he has taken appropriate action to prevent recurrence of the violations in the future.

Inspection

(30) Dairy farms will be subject to regular inspections, by the Board, as often as considered necessary by the Board, but not less than once in each calendar year.

Special inspections for food or animal safety risk

(31) Notwithstanding subsection (30), the Board may, based on observations or a request from the purchaser of a producer's milk, direct an inspector to conduct an inspection of a producer's premises if the Board believes conditions on the producer's farm may pose a food or animal safety risk.

Prohibition of sale

(32) A milk producer who refuses to admit an inspector to the dairy farm for the purpose of conducting an inspection or follow up inspection; who is in violation of the Act, this Order or any other DFPEI Order; or who has sold or offered for sale milk which does not meet the standards outlined in this Order may, upon notice from the Board, be prohibited from selling or offering milk for sale until such time as an inspection of the dairy farm is completed and evidence is furnished to the satisfaction of the Board that the milk of the producer and the facilities in which the milk is produced meet the standards as set out in the *Act,* this Order and other DFPEI Orders.

Notice

(33) The Board shall advise the producer who has been prohibited from selling or offering milk for sale, and the purchasing agency, when a producer has been prohibited from selling or offering milk for sale or when a producer's milk has been placed under detention by the Board on the day the prohibition or detention occurs.

Idem

(34) It is the responsibility of the purchasing agency to advise the transporter when the Board prohibits a producer from selling or offering milk for sale or when a producer's milk has been placed under detention on the day the prohibition or detention occurs.

Compliance

(35) No person shall supply, sell or offer for sale milk except in accordance with this Order.

Examination of milk at dairy manufacturing plant

(36) It shall be the responsibility of the dairy plant, before transferring any milk from a transport vehicle to the dairy plant, to examine the milk on the transport vehicle for flavour, odour, abnormalities, foreign matter and to ensure the temperature of the milk has not risen above 6˚C before manufacturing, processing or mixing with other milk, to examine and test the milk from the transport vehicle for the presence of inhibitors or any evidence of other treatments and then accept or reject the milk on the basis of the examinations and tests.

PART VIII

Farm Premises and Equipment Inspections

Dairy Farm Inpsection Manual

15. (1) An inspector shall inspect dairy farms in accordance with the Inspection Procedures Manual & Interpretive Guidelines. Copies of this manual shall be available to all producers from DFPEI.

Dairy Farm Inspection Report

(2) An inspector shall record the results of an inspection on a Dairy Farm Inspection Report. Blank copies of this report sheet shall be available to all producers from DFPEI.

Delivery of completed dairy farm inspection report

(3) An inspector shall hand deliver a copy of the completed inspection report to the producer, if the producer is available, or leave a copy of the inspection report for the producer in a sealed envelope located where the bulk milk pickup information is maintained in the producer's milk house on the day the inspection is completed.

Review of previous reports

(4) When inspecting a dairy farm, the inspector shall review previous inspection reports to ensure compliance with previous directions. An item that was scored as a minor deficiency in a previous Dairy Farm Inspection Report and has not been corrected within the period specified in that report shall be deemed a major deficiency.

Deficiencies related to health and safety

(5) An inspector shall determine if any deficiencies identified on the Dairy Farm Inspection Report are serious enough to pose a threat to food safety, human health, or animal safety, and if one or more such deficiencies are identified shall immediately prohibit the producer from

selling or offering milk for sale until such time as all those deficiencies are corrected.

Major and minor deficiencies

(6) An inspector shall indicate if any identified deficiencies are major or minor in nature, as defined in this Order.

Major deficiencies in red items

(7) When an inspector identifies a major deficiency on an item printed in red in the Dairy Farm Inspection Report, the inspector shall direct the producer to correct the deficiency not later than two calendar days from the date of inspection. This direction shall be clearly stated in the Inspector's remarks located on the bottom of the Dairy Farm Inspection Report.

Minor deficiencies in red items

(8) When an inspector identifies a minor deficiency on items printed in red in the Dairy Farm Inspection Report, the inspector shall direct the producer to correct the deficiency not later than seven days from the date of inspection. This direction shall be clearly stated in the Inspector's remarks located on the bottom of the Dairy Farm Inspection report.

Extensions

(9) The Board may extend the time period set out in subsection (7) and (8), provided the Board is satisfied that the indicated corrective action requires extended time or replacement parts that are not available within the time period specified, and that the items identified do not pose an immediate risk to food safety, human health, or animal safety. However, if all deficiencies identified in accordance with subsections (7) and (8) are not corrected within thirty days from the date of inspection, the producer shall appear before the Production Standards Committee to determine if the producer is taking appropriate action to correct the deficiencies and if additional time should be granted for corrective actions.

Failure to correct deficiencies

(10) A producer who fails to correct deficiencies recorded on a Dairy Farm Inspection Report within the periods set out in subsection (7), (8) or (9) shall:

(a) be deemed to have failed a dairy farm inspection;
(b) be suspended from selling or offering milk for sale until all deficiencies are corrected; and
(c) shall pay re-inspection fees of $125.00 to the Board for the third and any subsequent re-inspections required until all deficiencies are corrected.

Major deficiencies in black items

(11) When an inspector identifies a major deficiency in any items printed in black on the Dairy Farm Inspection Report, the inspector shall direct the producer to correct the deficiency not later than seven days from the date of inspection. This direction shall be clearly stated in the Inspector's remarks located on the bottom of the Dairy Farm Inspection Report.

Minor deficiencies in black items

(12) When an inspector identifies more than five minor deficiencies in items printed in black in the Dairy Farm Inspection Report, the inspector shall direct the producer to correct the deficiencies sufficiently to comply with subsection (13) not later than thirty days from the date of inspection. This direction shall be clearly stated in the Inspector's remarks located on the bottom of the Dairy Farm Inspection report.

Acceptable minor deficiencies

(13) When an inspector identifies five or fewer minor deficiencies on items printed in black contained in the Dairy Farm Inspection Report, the inspector shall direct the producer to correct those deficiencies prior to the next annual inspection, as stated in the Inspector's remarks located on the bottom of the Dairy Farm Inspection report. This direction shall be clearly stated in the Inspector's remarks located on the bottom of the Dairy Farm Inspection Report.

Extensions

(14) The Board may extend the time period set out in subsections (11) and (12), provided the Board is satisfied that the corrective action requires extended time or replacement parts that are not available within the time period and the deficiencies specified do not pose an immediate risk to food safety, human health, or animal safety. However, if deficiencies recorded in accordance with subsections (11) and (12) are not corrected within a maximum of sixty days from the date of inspection, the producer shall appear before the Production Standards Committee to determine if the producer is taking appropriate action to correct the deficiencies and to evaluate if additional time for corrective action may be granted.

Failure to correct deficiencies

(15) A producer who fails to correct items contained in the Dairy Farm Inspection Report within the period set out in subsections (11), (12), or (14) shall:

(a) be deemed to have failed a dairy farm inspection;

(b) be suspended from selling or offering milk for sale until all deficiencies are corrected; and

(c) shall pay re-inspection fees of $125.00 to the Board for the third and any subsequent re-inspections required until all deficiencies are corrected.

Demerit points

(16) An inspector may assign demerit points for certain items listed in the Dairy Farm Inspection Report. A producer shall not exceed ten demerit points on a Dairy Farm Inspection Report.

Failure to correct deficiencies

(17) When an inspector identifies deficiencies resulting in the accumulation of more than ten demerit points on a Dairy Farm Inspection Report, the inspector shall direct the producer to correct the deficiencies within thirty days of inspection. If a re-inspection indicates that the producer has corrected enough demerit items to score less than ten demerit points he shall be deemed to have complied with the inspector's direction.

Extensions

(18) The Board may extend the time period set out in subsection (17), provided the Board is satisfied that completion of the corrective action(s) requires extended time or replacement parts that are not available within the time period specified. However, if deficiencies are not corrected as outlined in subsection (17) within sixty days from the date of inspection, the producer shall appear before the Production Standards Committee to determine if the producer is taking appropriate actions to correct the deficiencies and if additional time may be granted to complete the corrective actions.

Failure to correct deficiencies

(19) A producer who fails to correct items contained in the Dairy Farm Inspection Report within the period set out in subsections (17) or (18) shall:

(a) be deemed to have failed a dairy farm inspection;

(b) be suspended from selling or offering milk for sale until all deficiencies are corrected; and

(c) shall pay re-inspection fees of $125.00 to the Board for the third and any subsequent re-inspections required until all deficiencies are corrected.

PART IX

Bulk Milk Transportation Inspection

Use of inspection report

16. (1) An inspector shall use a copy of the Bulk Milk Transportation Inspection Report to record the results of an inspection carried out on the items described in the Bulk Milk Transport and Bulk Milk Grader Inspection Procedures Manual.

Delivery of reports

(2) An inspector shall hand deliver a copy of the completed Bulk Milk Transportation Inspection Report to the bulk milk grader operating the transport vehicle on the day the inspection is completed.

Idem

(3) An inspector shall send by ordinary mail a copy of the completed Bulk Milk Transportation Inspection Report to the owner of the bulk milk transportation company no later than the day after the inspection is completed.

Correction of bulk milk grader red unsatisfactory items

(4) If any item printed in red in Sections 1 (Milk Samples), 2 (General Procedures and Routine) or 3 (Seals and Log Book) of the Bulk Milk Transportation Inspection Report is scored as Unsatisfactory (U) the bulk milk grader shall immediately correct the deficiency.

Failure of bulk milk grader to correct red unsatisfactory items

(5) A bulk milk grader who fails to correct a deficiency as determined in subsection (4) within one working day shall:

(a) be suspended from picking up bulk milk from dairy farms by the

Board until such time as the Board is satisfied that the bulk milk grader has corrected all the deficiencies;

(b) undergo refresher training by accompanying another licensed bulk milk grader for a period of one working day involving milk pick up from dairy farms;

(c) requalify for a bulk milk grader's license by attending and successfully completing a bulk milk grader's refresher course described in S. 10(1) at the next opportunity;

(d) have the owner of the bulk milk transportation company pay re-inspection fees of $125.00 to the Board for the third and any subsequent re-inspections required until all deficiencies are corrected.

Correction of transport vehicles red unsatisfactory items

(6) A bulk milk grader who receives Unsatisfactory (U) on any items printed in black in Sections 2 (General Procedures and Routine) or 3 (Seals and Log Book), of the Bulk Milk Transportation Inspection Report shall correct the deficiencies in seven days from the date of the inspection. This direction shall be clearly stated in the Inspector's remarks located on the bottom of the Bulk Milk Transportation Inspection Report.

Failure to correct bulk milk grader black unsatisfactory items

(7) A bulk milk grader who fails to correct Unsatisfactory (U) item as outlined in subsection (6) within seven days shall:

(a) be suspended from picking up bulk milk from dairy farms by the Board until such time as the Board is satisfied that the bulk milk grader has corrected all the deficiencies;

(b) accompany another licensed bulk milk grader for a period of one working day involving milk pick up from dairy farms;

(c) attend and successfully complete a bulk milk grader's refresher course described in S. 10(1) at the next opportunity;

(d) have the owner of the bulk milk transportation company pay re-inspection fees of $125.00 to the Board for the third and any subsequent re-inspections required until all deficiencies are corrected.

Correction of transport vehicle red unsatisfactory items

(8) If a transport vehicle receives Unsatisfactory (U) on any item printed in red in Sections 5 (Tank of Transport Vehicle) or 6 (Pump and Sample Compartment) of the Bulk Milk Transportation Inspection Report the inspector shall direct the owner of the transport vehicle to correct the noted deficiencies within seven days of completion of the inspection.

Extensions

(9) The Board may extend the time period set out in subsection (8), provided the Board is satisfied that the corrective action requires an extended time or replacement parts that are not available within the time period specified.

Correction of transport vehicle black unsatisfactory items

(10) A transport vehicle that receives Unsatisfactory (U) on any item printed in black in Sections 4 (Exterior), 6 (Pump and Sample Compartment), 7 (Manholes) or 8 (Miscellaneous) of the Bulk Milk Transportation Inspection Report the owner of the transport vehicle shall have thirty days from the date of the inspection to correct the deficiencies.

Suspension

(11) A transport vehicle that has not been repaired or modified to correct Unsatisfactory (U) any item outlined in subsection (10) within thirty days of the inspection report shall be suspended from picking up bulk milk from dairy farms by the Board until such time as the Board is satisfied that the owner of the transport vehicle has corrected all the deficiencies.

(a) the owner of the transport vehicle shall pay re-inspection fees of $125.00 to the Board for the third and any subsequent re-inspections required until all deficiencies are corrected.

Extensions

(12) The Board may extend the thirty-day period set out in subsection (11) provided the Board is satisfied that the corrective action requires an extended time or replacement parts that are not available within thirty days.

PART X

GENERAL

Analysis methods

17. (1) All analysis of milk and milk products will be determined by methods outlined in the most recent edition of Standards Methods for the Examination of Dairy Products or the most recent edition of the official methods of analysis of the Association of Analytical Chemists.

Pasteurization

(2) No person shall sell, offer for sale, distribute or supply to any person, except to the Board or a purchasing agent designated by the Board, milk that has not undergone the process of pasteurization.

Pathogenic diseases

(3) No person shall sell, offer for sale, distribute or supply to any person, milk or milk products that contain any pathogenic bacteria or any foreign substance.

Communicable diseases

(4) No person infected with any communicable disease, or who is a carrier of such a disease, shall work in the production, transportation, processing or distribution of milk or milk products.

Powers of inspectors

(5) An inspector or other official of the Board authorized under this Order shall have the authority to detain, prohibit the sale, or order the disposal of any milk or milk product that does not meet the requirements of the *Act* and this Order.

Commencement

18. This Order comes into force on the 1st day of August 2012.

Dated at Charlottetown, Prince Edward Island, this 10th day of July 2012.

<< Original signed by >>
Harold MacNevin, Chair

<< Original signed by >>
Ronald Maynard, Secretary

TABLE 1
CHEMICAL AND MICROBIOLOGICAL STANDARDS FOR RAW MILK

PRODUCT	PARAMETER	STANDARD
Raw milk	Temperature	Greater than 0ºC and less than or equal to 4ºC for milk contained in the bulk milk tank (subject to subsections 5(22) and 5(23).
	Bacteria count	Maximum of 121,000 Individual Bacterial Count per ml. (i.e. Bactoscan®) for cow's milk. If bactoscan testing is not available the standard shall be a standard plate count of 50,000 cfu/ml.
	Somatic cells	Up to and including 31 July 2012, a maximum of 500,000 somatic cells per ml. Effective 1 August 2012, a maximum of 400,000 somatic cells per ml.
	Veterinary drug residues	Negative for the presence of veterinary drug residues and inhibitory substance residues as tested by an approved screening method or testing below the MRL by an approved quantitative method.
	Cryoscopy	Maximum: -0.525º Hortvet or (-0.507ºC) for cow's milk.