

DFPEI 2012-04
DAIRY FARMERS OF PRINCE EDWARD ISLAND

ORDER: DFPEI 2012-04

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:

DAIRY PLANT LICENSING ORDER

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|-------------------------|-----|---|
| Application | 1. | This order provides for licensing of dairy plants. |
| Definitions | 2. | The words herein shall have the meanings as found in the <i>Natural Products Marketing Act</i> , R.S.P.E.I. 1988, Cap N-3, the <i>Natural Products Marketing Act</i> Dairy Farmers of Prince Edward Island Regulations thereunder, unless otherwise defined herein: |
| CFIA | (a) | “CFIA” means the Canadian Food Inspection Agency; |
| dairy plant | (b) | “dairy plant” means a premises, building or structure, where milk is received and dairy processing is conducted; |
| dairy plant license | (c) | “dairy plant license” means a license issued by DFPEI under the terms of this order; |
| DFPEI | (d) | “DFPEI” means Dairy Farmers of Prince Edward Island; |
| fluid milk product | (e) | “fluid milk product”, also called “class 1 milk product” means any product made from milk or cream that is prepared for sale in liquid or fluid form; |
| industrial milk product | (f) | “industrial milk product” means any product processed or derived in whole or in part from milk that is not a fluid milk product and includes butter, cheese, evaporated milk, concentrated milk, condensed milk, cultured products, milk powder, ice cream, casein and other products designated as industrial milk products; |
| milk | (g) | “milk” means the normal milk from cows; |
| processing | (h) | “processing” means heating, pasteurizing, sterilizing, evaporating, drying, churning with other substances by any process, or otherwise treating milk in the manufacture or preparation of milk products and for clarity, includes any reworking, reprocessing or repackaging of previously manufactured dairy products.; and |
| processor | (i) | “processor” means a person performing any processing of milk. |

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| 3. | No person shall conduct business of processing milk in Prince Edward Island unless they possess a dairy plant license from Dairy Farmers of Prince Edward Island. | Requirement for license |
| 4. | <p>(1) A person intending to commence business as a milk processor or seeking to amend the terms of an existing license shall apply to Dairy Farmers of Prince Edward using the forms specified under section 7 of this order.</p> <p>(2) The licenses specified in section 3 may be made subject to any terms and conditions the Board considers appropriate.</p> <p>(3) Licenses granted under this order are specific to the dairy plant and products listed with the license and do not authorize the licensee to perform other processing activities at the licensed dairy plant. Licenses shall designate dairy plants as processors of fluid milk products, industrial milk products or both.</p> | Application and terms of license |
| 5. | A licensed dairy plant which complies with the provisions of this Order and all other applicable regulations, and continues to do so, shall be entitled to renew their license upon submission of an application to renew and payment of the appropriate fee. | Renewal of license |
| 6. | <p>(1) The application fee for a dairy plant license shall be fifty dollars.</p> <p>(2) The renewal fee for a dairy plant license in which there are no changes from the previous application shall be twenty-five dollars.</p> | Fees |
| 7. | <p>(1) New applications and applications to amend the terms or conditions of a license, including amendment to the list of products to be manufactured at a dairy plant, shall be made using the form set out in Schedule 1 to this order and shall include all documentation listed on that form.</p> <p>(2) Applications for renewal that do not include any changes to a license shall be made using the form set out in Schedule 2 to this order, and shall include all documentation listed on that form.</p> | Form of application |
| 8. | All licenses shall be issued by the Board in a format consistent with the form set out in Schedule 3 to this order and shall be accompanied by a list of the products the licensee is authorized to process at the facility. | Form of license |
| 9. | All dairy plant licenses issued by Dairy Farmers of Prince Edward Island shall expire annually on 31 October, or as otherwise specified in the conditions of the license. | Expiration |
| 10. | <p>The Board shall not:</p> <p>(1) issue a license pursuant to this Order; or</p> <p>(2) approve any term or condition of a license issued pursuant to this order unless, in the opinion of the Board:</p> | Requirement to apply license in best interest of public or dairy trade |

- (a) issuing a license or approving a term or condition of a license is in the best interest of the general public or the dairy products trade; and
- (b) the applicant has demonstrated the ability to meet all regulatory, health and safety requirements for processing.

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|-------------------------------------|-----|--|
| Transfer prohibited | 11. | Licenses issued under these regulations are not transferable. |
| Proof of inspection required | 12. | Proof of inspection of the dairy plant, in the form of a valid license issued under the PEI Public Health Act, Milk Processing Regulations, or a valid registration granted by CFIA under the Canada Agricultural Products Act, Dairy Products Regulations, is a requirement for holding a dairy plant license. Cancellation, expiration, revocation or suspension of such proof of inspection shall be cause for immediate suspension of a dairy plant license. |
| Revocation or Suspension of License | 13. | The Board may suspend, 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 any governing act, regulations, orders or any condition specified in a license issued under this order. |
| Commencement | 14. | This Order comes into force on the 1 st day of August 2012. |

Dated at Charlottetown, Prince Edward Island, this 15th day of July 2012.

<Original signed by>

Harold MacNevin, Chair

<Original signed by>

Ronald Maynard, Secretary

Schedule 1 to DFPEI Order 2012-04 Dated 1 August 2012

**APPLICATION
DAIRY PLANT LICENSE
Issued Under the Dairy Farmers of Prince Edward Island
Regulations and Orders**

This application is to be completed, signed and returned,
with the appropriate fee payable to Dairy Farmers of PEI, to: **Dairy Farmers of PEI
PO Box 335
420 University Avenue
Charlottetown, PE
C1A 7K7**

Part I

Dairy Plant Information (Required)

Company/Processing Enterprise: _____

Dairy Plant Name and Location: _____

Contact Person: _____

Mailing Address: _____

Civic Address of Dairy Plant: _____

Telephone Number: _____

Fax Number: _____

E-mail Address: _____

Business Registration Certificate _____

Proof of Plant Inspection (Yes/No) _____

(from the Department of Health and Wellness or CFIA)

Schedule 1 to DFPEI Order 2012-04 Dated 1 August 2012

Part II

Type of Dairy Products Processed

Fluid milk products (check all that apply):

white milk _____

flavoured milk _____

chocolate milk _____

other (please specify): _____

cream _____

Industrial milk products (check all that apply):

ice cream _____

sour cream _____

yogurt _____

other class 2 products (please specify) _____

fine cheeses _____

specialty cheeses _____

cheddar cheeses _____

other class 3 products (please specify): _____

butter _____

concentrated milk _____

milk powder _____

other class 4 products (please specify) _____

Part III

Other Information

1. Do you currently hold a license to process dairy products in Prince Edward Island?

Yes: _____ No: _____

2. Do you currently hold a license to process dairy products in other Canadian Jurisdictions?

Yes: _____ No: _____

If yes, where and what products? _____

Schedule 1 to DFPEI Order 2012-04 Dated 1 August 2012

Part IV

Additional Requirements

Please ensure the following information is included with your application

- (1) Copies of all plant inspection certificates or related documentation from the Department of Health and Wellness or Canadian Food Inspection Agency for this dairy plant.
- (2) Copy of current operating licenses for PEI and other jurisdictions.
- (3) Proof of liability insurance.

Part V

Certification and Consent

I certify that:

- (1) To the best of my knowledge the information provided in this Application is true and accurate in all respects.
- (2) I have read and understand the information contained in the current Dairy Farmers of Prince Edward Island Dairy Plant Licensing Order and agree to abide by all provisions of that order.
- (3) I will abide by the Natural Products Marketing Act and Regulations, Dairy Farmers of Prince Edward Island Orders, any terms and conditions established by Dairy Farmers of Prince Edward Island and any other regulations that apply to the operation of a dairy plant in Prince Edward.

I GIVE CONSENT FOR THE LICENSING AUTHORITY TO:

1. Conduct a credit history investigation on the applicant;
2. Obtain information from other licensing authorities in this and other jurisdictions regarding current or past licenses and/or applications for licenses by the applicant.

Dated at _____ this the ____ day of _____, _____.

Applicants (business) Name: _____

Per Authorized Signing Officer: _____

Name of Authorized Signing Officer (Print) _____

Position/Title _____

Schedule 1 to DFPEI Order 2012-04 Dated 1 August 2012

FOR OFFICE USE ONLY

REVIEW PROCESS

Received by: _____ Date: _____

Reviewed by: _____ Date: _____

Follow-up required: _____

RECOMMENDATION

(a) APPROVE WITHOUT CONDITIONS: _____

(b) APPROVE WITH THE FOLLOWING CONDITIONS: _____

Conditions of license: 1. _____

2. _____

3. _____

4. _____

(c) REJECT: _____

Reasons for rejection: 1. _____

2. _____

3. _____

4. _____

Recommended by: _____ Date: _____

License approved by: _____ Date: _____

Schedule 1 to DFPEI Order 2012-04 Dated 1 August 2012

**DAIRY PLANT LICENSE
APPLICATION EVALUATION**

1. Part I – Dairy Plant Information

- (a) Is all the required information complete? Yes: _____ No: _____
(b) Is the missing information critical? Yes: _____ No: _____
(c) Which information is critical? (1) _____
(2) _____
(3) _____

2. Part II – Type of Dairy Products Processed

- (a) Is all the required information complete? Yes: _____ No: _____
(b) Is the missing information critical? Yes: _____ No: _____
(c) Which information is critical? (1) _____
(2) _____
(3) _____

3. Part III – Other Information

- (a) Is all the required information complete? Yes: _____ No: _____
(b) Is the missing information critical? Yes: _____ No: _____
(c) Which information is critical? (1) _____
(2) _____
(3) _____

4. Part IV – Additional Requirements

- (a) Is all the required information complete? Yes: _____ No: _____
(b) Is the missing information critical? Yes: _____ No: _____
(c) Which information is critical? (1) _____
(2) _____
(3) _____

5. Part V – Certification

- (a) Is the Certification completed properly? Yes: _____ No: _____

6. Evaluation

Completed by: _____ Date: _____

Schedule 2 to DFPEI Order 2012-04 Dated 1 August 2012

**APPLICATION FOR RENEWAL
DAIRY PLANT LICENSE**

Issued Under the Dairy Farmers of Prince Edward Island Regulations and Orders

This application is to be completed, signed and returned,
with the appropriate fee payable to Dairy Farmers of PEI, to:

**Dairy Farmers of PEI
PO Box 335
420 University Avenue
Charlottetown, PE
C1A 7K7**

Part I

Dairy Plant Information (Required)

Company/Processing Enterprise: _____

Dairy Plant Name and Location: _____

Contact Person: _____

Mailing Address: _____

Civic Address of Dairy Plant: _____

Telephone Number: _____

Fax Number: _____

E-mail Address: _____

Business Registration Certificate _____

Proof of Plant Inspection (Yes/No) _____

(from the Department of Health and Wellness or CFIA)

Schedule 2 to DFPEI Order 2012-04 Dated 1 August 2012

Part II

Other Information

1. Do you currently hold a license to process dairy products in Prince Edward Island?
Yes: _____ No: _____
2. Do you currently hold a license to process dairy products in other Canadian Jurisdictions?
Yes: _____ No: _____
If yes, where and what products? _____
(Please provide a narrative to describe operations in other provinces)
3. Would you like to amend the terms of your existing dairy plant license? If yes, please specify: _____

Part III

Additional Requirements

Please ensure the following information is included with your application

- (1) Copies of all plant inspection certificates or related documentation from the Department of Health and Wellness or Canadian Food Inspection Agency for this dairy plant.
- (2) Copy of current operating licenses for PEI and other jurisdictions.
- (3) Proof of liability insurance.

Schedule 2 to DFPEI Order 2012-04 Dated 1 August 2012

Part IV

Certification and Consent

I certify that:

- (1) I have read and understand the information contained in the current Dairy Farmers of Prince Edward Island Dairy Plant Licensing Order and agree to abide by all provisions of that order.
- (2) The information provided in my/this firm's application dated _____ continues to accurately reflect current dairy plant operations in Prince Edward Island;
- (3) I will abide by the Natural Products Marketing Act and Regulations, Dairy Farmers of Prince Edward Island Orders, any terms and conditions established by Dairy Farmers of Prince Edward Island and any other regulations that apply to the operation of a dairy plant in Prince Edward.

I GIVE CONSENT FOR THE LICENSING AUTHORITY TO:

1. Conduct a credit history investigation on the applicant;
2. Obtain information from other licensing authorities in this and other jurisdictions regarding current of past licenses and/or applications for licenses by the applicant.

Dated at _____ this the ____ day of _____, _____.

Applicants Name: _____

Per: _____ (Authorized Signing Officer)

Signatory name (print) _____

Position _____

FOR OFFICE USE ONLY

REVIEW PROCESS

Received by: _____ Date: _____

Reviewed by: _____ Date: _____

Follow-up required: _____

RECOMMENDATION

(a) APPROVE WITHOUT CONDITIONS: _____

(b) APPROVE WITH THE FOLLOWING CONDITIONS: _____

- Conditions of license:
1. _____
 2. _____
 3. _____
 4. _____

(c) REJECT: _____

- Reasons for rejection:
1. _____
 2. _____
 3. _____
 4. _____

Recommended by: _____ Date: _____

License approved by: _____ Date: _____

Schedule 2 to DFPEI Order 2012-04 Dated 1 August 2012

**DAIRY PLANT LICENSE
APPLICATION EVALUATION**

1. Part I – Dairy Plant Information

- (a) Is all the required information complete? Yes: _____ No: _____
(b) Is the missing information critical? Yes: _____ No: _____
(c) Which information is critical? (1) _____
(2) _____
(3) _____

2. Part II – Other Information

- (a) Is all the required information complete? Yes: _____ No: _____
(b) Is the missing information critical? Yes: _____ No: _____
(c) Which information is critical? (1) _____
(2) _____
(3) _____

3. Part III – Additional Requirements

- (a) Is all the required information complete? Yes: _____ No: _____
(b) Is the missing information critical? Yes: _____ No: _____
(c) Which information is critical? (1) _____
(2) _____
(3) _____

4. Part IV – Certification

- (a) Is the Certification completed properly? Yes: _____ No: _____

5. Evaluation

Completed by: _____ Date: _____

Schedule 3 to DFPEI Order 2012-04 Dated 1 August 2012

DAIRY PLANT LICENSE

Dairy Farmers of Prince Edward Island

LICENSE

Pursuant to the Natural Products Marketing Act, the Dairy Farmers of Prince Edward Island regulations and Dairy Farmers of Prince Edward Island Orders and, subject to the provisions thereof,

.....is hereby authorized to operate a dairy plant known as.....located at..... in the Province of Prince Edward Island.

This license is non-transferable and expires on the day of, 20.....

Dated Charlottetown, Prince Edward Island, thisday of....., 20.....

.....
SIGNED
(on behalf of the Dairy Farmers of Prince Edward Island)