DFPEI 2007-03

DAIRY FARMERS OF PRINCE EDWARD ISLAND

ORDER: DFPEI 2007-03

EFFECTIVE: July 1, 2007

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

DAIRY FARM YARDS AND LANES ORDER

Application

1. This order establishes standards to ensure producers provide safe and practical access to the milk house for the bulk milk transporter, thereby ensuring greater farm safety, cleanliness of the milk handling environment and hauling efficiencies in the transportation of bulk milk.

Definitions

2. The words herein shall have the meanings as found in the Natural Products Marketing Act and regulations thereunder unless differentiated herein and is hereinafter defined:

(a) "milk house" means a separate building or suitable space on a producer's premises used for cooling and storing milk and for the washing, sanitizing, and storing of milk equipment and utensils;

(b) "farm bulk tank" means a stationary storage tank used only for the holding and cooling of milk on the premises of a producer and includes fixtures related thereto and equipment required for the use of the tank;

(c) "tank truck" means a motor vehicle having a tank that meets prescribed standards, attached and used for the purposes of transporting milk from farm bulk tanks to a dairy or dairy manufacturing plant or from one dairy or dairy manufacturing plant to another dairy or dairy manufacturing plant; and

(d) "transporter" means a person licensed under the laws of Prince Edward Island as a transporter of bulk milk and designated by the purchaser of bulkmilk as a transporter.

Reporting

3. Bulk milk transporters shall report any dairy farm yard or lane that fails to provide safe and practical access to the tank truck assigned for milk pick up at that location. If the type of vehicle used to pick up a producer's milk changes, then the producer must ensure that the lane entrance can accommodate the new vehicle type. In the event of problems with access, the transporter shall complete a Farm Yard and Lane Report that outlines identified shortcomings. This report will be forwarded to the Board, whose representative shall notify the producer of the identified shortcomings within five business days of receiving the report from the transporter. The notice to the producer shall indicate that the

producer must prepare a Corrective Action Plan within five business days of the initial contact by the Board, specifying the corrective action that will be undertaken and a timeline for completion of required work.

Corrective Action

4. The corrective action indicated in the Corrective Action Plan shall provide for a practical solution to the identified shortcomings, and shall indicate a target date for completion of any required corrections not more than 30 days following completion of the plan. If the corrective action cannot be completed within 30 days, the producer must provide a written explanation to the Board. If the Board deems the delay to be unreasonable, then the producer may be found to be non-compliant with this order and subject to the actions specified in section 6 herein until the corrective action is completed. All costs related to the corrective action shall be the responsibility of the producer. If the shortcomings include inadequate highway access, producers are encouraged to contact the Prince Edward Island Department of Transportation and Public Works, which regulates the standards for permitted access.

Standards

5. Regardless of specific design, dairy farm yards and lanes must provide safe and practical access for the designated tank truck. The following specifications should normally provide such access. However, if unusual geographic or environmental circumstances create conditions in which the stated criteria will not provide safe and practical access, other solutions may be considered. The following criteria are considered minimum standards:

(a) Driveway Entrance - The lane entrance must be such that it provides a safe and reasonable access for the designated tank truck.

At a point where the lane intersects with the road, the width of the lane must be 15.2 metres (50 feet). This is required in order to ensure that the tank truck does not have to swing across the centre line and into oncoming traffic in order to enter the lane.

The lane entrance should taper from the shoulder of the road so that, at a point 12.3 metres (40 feet) in from the edge of the travelled portion of the road, the width of the lane is a minimum of 3.7 metres (12 feet). The length of any necessary culvert will be dependent on the ditch location with respect to the lane entrance.

(b) Lane Width - The minimum width of the lane should be 3.7 metres (12 feet) for the entire length of the lane, and greater than this at the entrance and at points where the lane direction changes.

(c) Fences Along Lanes - Fences should be set back sufficiently from the closest edge of the lane to ensure they do not interfere with travel on the lane and that they allow for adequate snow removal.

(d) Lane Construction - In order to provide adequate drainage and permit winds to carry snow over the laneway, the lane surface should be elevated with a gentle downward slope from the centre to each side of

the lane. In addition, the lane shoulders should slope at an angle not greater than 45 degrees.

That portion of the yard and lane through which the tank truck travels should be constructed so as to provide adequate drainage and prevent the build-up of mud. Construction methods for those areas travelled by the tank truck may vary depending on the soil type.

(e) Backing In or Out of Lanes – It is often unsafe for tank trucks to back in or out of farmyards and this is consequently discouraged. The choice to back into or out of the yard or lane is at the sole discretion of the bulk milk transporter, who must consider practicality, safety of operations and transportation regulations when evaluating the use of this practice at any given location. Where the transporter deems backing in of out of the lane or farmyard unacceptable, the producer shall be responsible to provide a practical alternative.

(f) Maintenance - The driveway and yard must be kept in good repair, free of potholes and ruts. In winter conditions, that portion of the driveway and yard that the tank truck travels must be cleared of snow whenever necessary. The driveway edges should be clearly marked. Ice covered areas must be salted or sanded, especially on steep inclines.

(g) Farm Gates - A gate of any type that requires opening and closing by the transporter in the process of picking up milk is not permitted under normal circumstances.

(h) Lane Bridges - All bridges, culverts, and Texas-style gates should be clearly identified on all four corners where the lane meets the bridge, culvert, or gate. The weight-bearing capacity must meet the maximum weight of the loaded tank truck.

(i) Blocked Access - Cars, trucks, tractors, farm implements, and other obstructions must not be located in that portion of the yard and lane that is traveled by the tank truck in the process of picking up milk.

(j) Overhead Objects - The traveled portion of the yard and lane should be free of all overhead objects, such as branches and wires, to a height of 4.5 metres (15 feet) from the surface of the yard or lane. Ice and snow build-up should be taken into consideration when determining the height.

(k) Turning Areas - An adequate tank truck turnaround area, or other such arrangement, must be provided on the farm as close to the milk house as possible to ensure that the tank truck does not have to back up on the lane. The following examples identify two types of truck turnarounds:

i. A circular turnaround area is the safest type of turnaround in that it allows a tank truck to turn in the yard, minimizing the need to back up the vehicle.

ii. If a circular driveway is not possible, sufficient area for the designated tank truck to turn by means of a three-point turn must be provided

(l) **Livestock and Contamination Control -** Livestock may be driven across, but must not have unlimited access to, that portion of the yard and lane travelled by the transporter. Farm yards and lanes must be kept free of an accumulation of manure and other contaminants. Contaminants that may accumulate in yards and lanes from any source must be removed prior to the arrival of the tank truck. Livestock is not permitted in the tank truck loading area. Yards must be designed with adequate drainage to ensure that runoff from manure storage, feed storage, and other sources of potential contamination will not be channelled to the area accessed by the tank truck.

Compliance 6.

(a) Compliance with this order is mandatory. If shortcomings in dairy farm yards and lanes are identified corrective action must be initiated as soon as is practical. Failure to complete required changes and comply in accordance with Section 4 of this order may result in suspension of milk pick up or the application of additional pick up fees to cover incremental costs incurred to pick up milk by alternative means, at the discretion of the Board.

(b) The Board may order the non-compliant producer to appear before the Board or its representative(s) to review the reasons for non-compliance and determine the producer's future course of action.

Commencement 7. This Order comes into force on the 1st day of July 2007.

DATED at Charlottetown, Prince Edward Island, this 29th day of May 2007.

<Original Signed By>

Harold MacNevin, Chair

<Original Signed By>

Ronald Maynard, Secretary