
THE FARM PRODUCTS MARKETING ACT
(C.C.S.M. c. F47)

Milk Quality Regulation, amendment

Regulation 41/2020
Registered May 15, 2020

Manitoba Regulation 135/2017 amended

1 The Milk Quality Regulation, Manitoba Regulation 135/2017, is amended by this regulation.

2 Section 2 is replaced with the following:

Bacteria

2(1) In this section, "**contravention**" means the marketing of milk that is tested and found to have a bacteria count of 122,000 or more per millilitre on the immuno-fluoro-electronic method on 25% or more of the daily tests in any three-month period.

2(2) A producer who commits a contravention is subject to the following penalties:

(a) for the producer's first contravention in a 12-month period, \$3 per hectolitre of all milk marketed by the producer in the latest month included in the contravention;

(b) for the producer's second contravention in a 12-month period, \$4 per hectolitre of all milk marketed by the producer in the latest month included in the contravention;

* This regulation is made under the *Dairy Farmers of Manitoba Marketing Plan Regulation*, Manitoba Regulation 89/2004, and is Regulation No. 1, 2020 of Dairy Farmers of Manitoba.

(c) for the producer's third contravention in a 12-month period, \$5 per hectolitre of all milk marketed by the producer in the latest month included in the contravention;

(d) for the producer's fourth contravention in a 12-month period, \$5 per hectolitre of all milk marketed by the producer in the latest month included in the contravention and a suspension of milk pickups for six days;

(e) for the producer's fifth contravention in a 12-month period, \$5 per hectolitre of all milk marketed by the producer in the latest month included in the contravention and a suspension of milk pickups lasting for 12 days and any further period required for the board to complete a satisfactory farm inspection of the producer's facility; and

(f) for the producer's sixth contravention in a 12-month period, \$5 per hectolitre of all milk marketed by the producer in the latest month included in the contravention and a suspension of milk pickups lasting for 24 days and any further period required for the board to complete a satisfactory farm inspection of the producer's facility.

2(3) In addition to the suspension periods in subsection (2), a producer's milk pickup suspension for a fourth, fifth or sixth contravention continues until a milk sample is tested and found to have a bacteria count less than 122,000 per millilitre on the imuno-fluoro-electronic method, a somatic cell count of less than 400,000 and a freezing point of less than -0.507°C on the thermistor method.

2(4) A producer who requires milk samples to be tested for the purposes of subsection (3) for reinstatement following a suspension of pickups shall pay a service charge, as prescribed in Schedule A (Milk Quality and Assurance Program Fees, Charges and Penalties).

3 Section 3 is replaced with the following:

Adulteration

3(1) In this section, "**contravention**" means the marketing of milk that is tested on the thermistor method and found to have a freezing point of -0.507°C or warmer on 5% or more of the daily tests in any three-month period.

3(2) A producer who commits a contravention is subject to the following penalties:

(a) for the producer's first contravention in a 12-month period, \$3 per hectolitre of all milk marketed by the producer in the latest month included in the contravention;

(b) for the producer's second contravention in a 12-month period, \$4 per hectolitre of all milk marketed by the producer in the latest month included in the contravention;

(c) for the producer's third contravention in a 12-month period, \$5 per hectolitre of all milk marketed by the producer in the latest month included in the contravention;

(d) for the producer's fourth contravention in a 12-month period, \$5 per hectolitre of all milk marketed by the producer in the latest month included in the contravention and a six day suspension of milk pickups;

(e) for the producer's fifth contravention in a 12-month period, \$5 per hectolitre of all milk marketed by the producer in the latest month included in the contravention and a suspension of milk pickups lasting for 12 days and any further period required for the board to complete a satisfactory farm inspection of the producer's facility; and

(f) for the producer's sixth contravention in a 12-month period, \$5 per hectolitre of all milk marketed by the producer in the latest month included in the contravention and a suspension of milk pickups lasting for 24 days and any further period required for the board to complete a satisfactory farm inspection of the producer's facility.

3(3) In addition to the suspension periods in subsection (2), a producer's milk pickup suspension for a fourth, fifth or sixth contravention continues until a milk sample is tested and found to have a bacteria count less than 122,000 per millilitre on the imuno-fluoro-electronic method, a somatic cell count of less than 400,000 and a freezing point of less than -0.507°C on the thermistor method.

3(4) A producer who requires milk samples to be tested for the purposes of subsection (3) for reinstatement following a suspension of pickups shall pay a service charge, as prescribed in Schedule A (Milk Quality and Assurance Program Fees, Charges and Penalties).

4 Section 5 is replaced with the following:

Somatic cell count

5(1) In this section "**contravention**" means the marketing of milk that is tested and found to have a somatic cell count of 400,000 or more per millilitre on 25% or more of the daily test in any three-month period.

5(2) A producer who commits a contravention is subject to the following penalties:

(a) for the producer's first contravention in a 12-month period, \$3 per hectolitre of all milk marketed by the producer in the latest month included in the contravention;

(b) for the producer's second contravention in a 12-month period, \$4 per hectolitre of all milk marketed by the producer in the latest month included in the contravention;

(c) for the producer's third contravention in a 12-month period, \$5 per hectolitre of all milk marketed by the producer in the latest month included in the contravention;

(d) for the producer's fourth contravention in a 12-month period, \$5 per hectolitre of all milk marketed by the producer in the latest month included in the contravention and a six day suspension of milk pickups;

(e) for the producer's fifth contravention in a 12-month period, \$5 per hectolitre of all milk marketed by the producer in the latest month included in the contravention and a suspension of milk pickups lasting for 12 days and any further period required for the board to complete a satisfactory farm inspection of the producer's facility; and

(f) for the producer's sixth contravention in a 12-month period, \$5 per hectolitre of all milk marketed by the producer in the latest month included in the contravention and a suspension of milk pickups lasting for 24 days and any further period required for the board to complete a satisfactory farm inspection of the producer's facility.

5(3) In addition to the suspension periods in subsection (2), a producer's milk pickup suspension for a fourth, fifth or sixth contravention continues until a milk sample is tested and found to have a bacteria count less than 122,000 per millilitre on the imuno-fluoro-electronic method, a somatic cell count of less than 400,000 and a freezing point of less than -0.507°C on the thermistor method.

5(4) A producer who requires milk samples to be tested for the purposes of subsection (3) for reinstatement following a suspension of pickups shall pay a service charge, as prescribed in Schedule A (Milk Quality and Assurance Program Fees, Charges and Penalties).

5 **Subsection 12(2) is amended by striking out everything after "will be" and substituting "the daily test of that producer's milk."**

6 Schedule A is replaced with Schedule A to this regulation.

March 5, 2020

Dairy Farmers of Manitoba:

David Wiens
Chair

Brent Achtemichuk
Secretary

APPROVED

May 11, 2020

**Manitoba Farm Products Marketing
Council:**

Ed Helwer
Chair

Ingrid Peters-Fransen
Secretary

SCHEDULE A

MILK QUALITY AND ASSURANCE PROGRAM FEES,
CHARGES AND PENALTIES

Section number of regulation	Fees, charges and penalties	Rate
2(4), 3(4), 4(5), 5(4)	Each additional sampling to meet quality standards required for reinstatement after suspension of pick-up	Laboratory service fee as set by Horizon Lab
4(4), 8(1)	Third and subsequent validation visit when required to meet Assurance Program or Production Standards requirements	\$450
7(3), 7(4)	For each month of non-compliance following the assigned Assurance Program validation or self-declaration month	\$4/hl per month including the entire month in which non-compliance occurred
7(5)	For each month a producer is withdrawn from registration until re-registration	\$4/hl per month including the entire month in which re-registration occurred
8(2)	For each month a producer does not have an approved Assurance Program self-declaration form as required under subsection 8(2)	\$4/hL per month including the month following the month during which the form was due