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

Milk Quality Regulation, amendment*

Regulation 152/2020
Registered December 17, 2020

Manitoba Regulation 135/2017 amended

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

2 Section 1 is amended by adding the following definition:

"**12-month period**", in relation to a contravention, means the 12-month period beginning on the first day of the month 11 months before the month in which the contravention occurred and ending on the last day of the month in which the contravention occurred.

3 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 imuno-fluoro-electronic method on one or more bulk tank tests over a two-day period within the same month.

* This regulation is made under the *Dairy Farmers of Manitoba Marketing Plan Regulation*, Manitoba Regulation 89/2004, and is Regulation No. 3, 2020 of Dairy Farmers of Manitoba.

2(2) A producer who commits a contravention is subject to

(a) a penalty of \$5 per hectolitre of milk shipped by the producer that, during the contravention, is found to have a bacteria count of 122,000 or more per millilitre on the imuno-fluoro-electronic method, for each of the first 12 contraventions committed in a 12-month period;

(b) a penalty of \$30 per hectolitre of milk shipped by the producer that, during the contravention, is found to have a bacteria count of 122,000 or more per millilitre on the imuno-fluoro-electronic method, for each of the 13th to 24th contraventions committed in a 12-month period; or

(c) a penalty of \$60 per hectolitre of milk shipped by the producer that, during the contravention, is found to have a bacteria count of 122,000 or more per millilitre on the imuno-fluoro-electronic method, for each of the 25th or subsequent contraventions committed in a 12-month period.

4 **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 one or more bulk tank tests over a two-day period within the same month.

3(2) A producer who commits a contravention is subject to

(a) a penalty of \$5 per hectolitre of milk shipped by the producer that, during the contravention, is found to have a freezing point of -0.507°C or warmer on the thermistor method, for each of the first 12 contraventions committed in a 12-month period;

(b) a penalty of \$30 per hectolitre of milk shipped by the producer that, during the contravention, is found to have a freezing point of -0.507°C or warmer on the thermistor method, for each of the 13th to 24th contraventions committed in a 12-month period; or

(c) a penalty of \$60 per hectolitre of milk shipped by the producer that, during the contravention, is found to have a freezing point of -0.507°C or warmer on the thermistor method, for each of the 25th or subsequent contraventions committed in the preceding 12 months.

5 **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 401,000 or more per millilitre on one or more bulk tank tests over a two-day period within the same month.

5(2) A producer who commits a contravention is subject to

(a) a penalty of \$5 per hectolitre of milk shipped by the producer that, during the contravention, is found to have a somatic cell count of 401,000 or more per millilitre, for each of the first 12 contraventions committed in a 12-month period;

(b) a penalty of \$30 per hectolitre of milk shipped by the producer that, during the contravention, is found to have a somatic cell count of 401,000 or more per millilitre, for each of the 13th to 24th contraventions committed in a 12-month period; or

(c) a penalty of \$60 per hectolitre of milk shipped by the producer that, during the contravention, is found to have a somatic cell count of 401,000 or more per millilitre, for each of the 25th or subsequent contraventions committed in a 12-month period.

6 Section 10 is replaced with the following:

Notification

10 The board shall provide written notice to a producer who is subject to a penalty or charge under any of sections 2 to 8 no later than the 15th day of the month following the contravention.

7 Subsection 12(2) is replaced with the following:

12(2) The test results used for the purpose of determining a producer's compliance with quality standards for bacteria, freezing point and somatic cell count will be the bulk tank test of that producer's milk.

8 Subsection 14.1 is repealed.

December 11, 2020

Dairy Farmers of Manitoba:

David Wiens, Chair

Brent Achtemichuk, Corporate Secretary

APPROVED

December 17, 2020

Manitoba Farm Products Marketing Council:

Ed Helwer, Chair

Ingrid Peters-Fransen, Secretary