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

Milk Quality Regulation, amendment*

Regulation 180/2022
Registered December 20, 2022

Manitoba Regulation 135/2017 amended

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

2 Clause (h) of the definition "substandard milk" in section 1 is replaced with the following:

(h) milk that has a somatic cell count of 401,000 or more per millilitre;

3 Sections 2 and 3 are 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. 2, 2022 of Dairy Farmers of Manitoba.

2(2) A producer who commits the number of individual contraventions in a 12-month period listed in the first column of the following table

(a) must, for each contravention, pay the penalty listed opposite in the second column for each 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; and

(b) is subject to the suspension of pick-ups for the minimum number of days listed opposite in the third column:

1 to 10 contraventions	\$5	n/a
11 to 20 contraventions	\$15	n/a
21 to 30 contraventions	\$45	n/a
31st contravention	\$45	6 days
32nd contravention	\$45	12 days
33rd and each subsequent contravention	\$45	24 days

2(3) If a producer is subject to

(a) a minimum 6-day or 12-day suspension of pick-ups, the suspension continues until a milk sample is taken from that producer and 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 401,000 and a freezing point of less than -0.507°C ; or

(b) a minimum 24-day suspension of pick-ups, milk from that producer is deemed to be substandard milk and the producer must apply to the board during the suspension period to show cause why the board should not cancel or suspend the registration or licence of the producer, or suspend, reduce or cancel, either on a temporary basis or on a permanent basis, the daily quota of the producer.

2(4) A producer who requires milk samples for reinstatement of pick-ups must pay a service charge, as prescribed in Schedule A (Milk Quality and Assurance Program Fees, Charges and Penalties).

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 the number of individual contraventions in a 12-month period listed in the first column of the following table

(a) must, for each contravention, pay the penalty listed opposite in the second column for each 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; and

(b) is subject to the suspension of pick-ups for the minimum number of days listed opposite in the third column:

1 to 10 contraventions	\$5	n/a
11 to 20 contraventions	\$15	n/a
21 to 30 contraventions	\$45	n/a
31st contravention	\$45	6 days
32nd contravention	\$45	12 days
33rd and each subsequent contravention	\$45	24 days

3(3) If a producer is subject to

(a) a minimum 6-day or 12-day suspension of pick-ups, the suspension continues until a milk sample is taken from that producer and tested and found to have 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 401,000 and a freezing point of less than -0.507°C ; or

(b) a minimum 24-day suspension of pick-ups, milk from that producer is deemed to be substandard milk and the producer must apply to the board during the suspension period to show cause why the board should not cancel or suspend the registration or licence of the producer, or suspend, reduce or cancel, either on a temporary basis or on a permanent basis, the daily quota of the producer.

3(4) A producer who requires milk samples for reinstatement following suspension of pick-ups 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 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 the number of individual contraventions in a 12-month period listed in the first column of the following table

(a) must, for each contravention, pay the penalty listed opposite in the second column for each 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; and

(b) is subject to the suspension of pick-ups for the minimum number of days listed opposite in the third column:

1 to 10 contraventions	\$5	n/a
11 to 20 contraventions	\$15	n/a
21 to 30 contraventions	\$45	n/a
31st contravention	\$45	6 days
32nd contravention	\$45	12 days
33rd and each subsequent contravention	\$45	24 days

5(3) If a producer is subject to

(a) a minimum 6-day or 12-day suspension of pick-ups, the suspension continues until a milk sample is taken from that producer and tested and found to have 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 401,000 and a freezing point of less than -0.507°C ; or

(b) a minimum 24-day suspension of pick-ups, milk from that producer is deemed to be substandard milk and the producer must apply to the board during the suspension period to show cause why the board should not cancel or suspend the registration or licence of the producer, or suspend, reduce or cancel, either on a temporary basis or on a permanent basis, the daily quota of the producer.

5(4) A producer who requires milk samples for reinstatement following suspension of pick-ups shall pay a service charge, as prescribed in Schedule A (Milk Quality and Assurance Program Fees, Charges and Penalties).

Coming into force

5 This regulation comes into force on January 1, 2023, or on the date it is registered under *The Statutes and Regulations Act*, whichever is later.

December 8, 2022

Dairy Farmers of Manitoba:

David Wiens, Chair

Brent Achtemichuk, Corporate Secretary

APPROVED

December 19, 2022

Manitoba Farm Products Marketing Council:

Ed Helwer, Chair

Amber Aligawesa, Secretary