

Industry Notice

September 25, 2014

Consultation Decision:

Amending Order 16 - The BC Milk Marketing Board approves a mandatory Code of Practice for the Care and Handling of Dairy Cattle (Code) on-farm

At its September 3, 2014 Board meeting, the BC Milk Marketing Board conditionally approved a *Draft* Amending Order for a mandatory *Code*, pending an additional two week final consultation. The Board received input from stakeholders, including the following organizations: the BC Dairy Association, the Island Milk Producers Organization and the BC Dairy Council. In addition, the Board acknowledges the input received from the Milk Industry Advisory Committee (MIAC) at its September 15, 2014 meeting.

Subsequently, on September 24, 2014, the Board approved the attached Amending Order 16 to the Consolidated Order of September 1, 2013. This Amending Order makes the applicable on-farm requirements of the *Code of Practice for the Care and Handling of Dairy Cattle:* http://www.nfacc.ca/codes-of-practice/dairy-cattle mandatory for all BC producers. The Amending Order is effective October 1, 2014.

The enactment of mandatory compliance with the *Code* is in accordance with the consensus direction from dairy industry stakeholders at the June 26, 2014 "Industry Meeting on Dairy Animal Welfare requirements in BC."

Amending Order 16 is the first, important legislative step (within the Board's orders) that is necessary to implement a mandatory on-farm *Code*. It provides an objective, balanced approach to both producer and processor responsibilities in order to maintain orderly marketing. The next steps include the detailed policy development for implementation of the Amending Order. The Board's Powers and Duties Review of 2014 (final report of June 25, 2014) also noted that the Board will need to consider regulatory amendments for possible future additional duties, for example with respect to the DFC "proAction" program. The Board anticipates further input on this policy development in the near future via consultation with processors, producers and other stakeholders.





AMENDING ORDER 16 TO **CONSOLIDATED ORDER OF SEPTEMBER 1, 2013**

MADE BY THE BRITISH COLUMBIA MILK MARKETING BOARD ON SEPTEMBER 24, 2014

The British Columbia Milk Marketing Board orders as follows:

1. Section 28.1 is added to the Consolidated Order of September 1, 2013 immediately following section 28, as follows:

Code of Practice for the Care and Handling of Dairy Cattle

- From and after October 1, 2014, every Producer must comply with 28.1 (1) the applicable on-farm requirements specified in the Code of Practice for the Care and Handling of Dairy Cattle published by the Dairy Farmers of Canada and the National Farm Animal Care Council.
 - (2) Subject to subsection (5), where an inspector appointed by the Board has determined that a Producer has failed to comply with an applicable on-farm requirement specified in the Code of Practice for the Care and Handling of Dairy Cattle, then for so long as that Producer is non-compliant, and in any event for a period of not less than the remainder of the month in which the determination was made and the next subsequent month, that Producer is ineligible to:
 - receive the Milk Quality Bonus; (a)
 - (b) buy or sell Continuous Daily Quota on the Quota Exchange or otherwise:
 - participate in a Credit Transfer; (c)

- (d) re-allocate Continuous Daily Quota among dairy farms;
- (e) receive a general allotment of Continuous Daily Quota by the Board; and
- (f) receive incentive days.
- In addition to any sanction that may be imposed under the (3)preceding subsection, the Board may, in accordance with Part XIV of the Consolidated Order, suspend or cancel the licence held by, or Continuous Daily Quota allotted to, a Producer who has been determined by the Board to be non-compliant with an applicable onfarm requirement specified in the Code of Practice for the Care and Handling of Dairy Cattle.
- (4) Nothing in this section shall be interpreted as abrogating or limiting the application of Part XIV of the Consolidated Order to any other contravention of this Consolidated Order, the B.C. Act, the B.C. Regulation or other relevant legislation.
- (5) On the application of the affected Producer, the Board may, in its sole discretion, waive any one or more of the sanctions described in subsection (2) where the Board is satisfied that exceptional circumstances justify such a waiver.
- 2. Section 50 of the Consolidated Order of September 1, 2013 is replaced with the following:

Vendor Levies and Charges

50. (1) Levies are fixed and imposed on each Vendor as set out in Schedule 6. Such levies are due and payable to the Board on the 12th Business Day of each month, and shall thereafter bear interest at the rate of 24% per annum.

- (2) On each occasion that a Vendor cancels a requested Delivery of milk on less than three Business Days' notice to the Board, an order change surcharge of \$350.00 will be imposed upon that Vendor.
- (3)For the purpose of subsection (2), a Vendor may request a volume of milk on a specified day provided that such request is made at least three Business Days before the requested Delivery date, but the Board will determine, in consultation with the Vendor, the time of day that such milk will be Delivered.
- (4) On each occasion that a Vendor requests a Delivery of Organic Production without qualifying that the request is subject to reasonable variation with respect to volume and delivery days, an order surcharge of \$250.00 will be imposed upon that Vendor. The Board may, in its discretion, waive the order surcharge for a period of up to 12 months where the Vendor is requesting a Delivery of Organic Production for the purpose of developing new products.
- (5) On each occasion that a Vendor refuses to receive a requested Delivery of Qualifying milk as directed by the Board, an order refusal surcharge will be imposed upon that Vendor in an amount equal to the current month's Class 4 (d) price multiplied by the number of hectolitres of Qualifying Milk so refused.
- (6)The Board may, in its sole discretion, waive all or any part of the order refusal surcharge referred to in subsection (5) where the Board is satisfied that exceptional circumstances justify such a waiver.
- 3. This Order comes into effect on October 1, 2014.

DATED Abbotsford, British Columbia, on September 24, 2014. BRITISH COLUMBIA MILK MARKETING BOARD J. Byrne, Chair B. Cuthbert, Vice Chairman T. Hoogendoorn, Sec-Treasurer C. Hertgers, Member D. Klein Geltink, Member G. Green, Member