

The Agri-Food Act, 2004
[section 12]

THE MILK MARKETING PLAN REGULATIONS – FACILITY LICENSE

Order No. 47/24. The SASKATCHEWAN MILK MARKETING BOARD, pursuant to the provisions of *The Milk Marketing Plan Regulations* and *The Agri-Food Act, 2004*, hereby determines and orders as follows:

- 1 No person shall produce milk at a facility unless that person holds a valid Facility License issued pursuant to this Order.
- 2 Every person applying for a facility license pursuant to this Order shall apply in a form and manner determined by the Board and shall supply any additional information that the Board may require.
- 3 Within 90 days after the date of receipt of receiving an application for a facility license, the Board may, at its discretion:
 - (a) issue a facility license to the applicant if it is satisfied that the applicant has complied with the facility requirements pursuant to this Order, all applicable legislation and regulations, and all orders and directions of the Board, including all requirements respecting milk production facilities, equipment, and health and sanitation; or
 - (b) refuse to issue a license to the applicant if it is not satisfied that the applicant has complied with the requirements in subsection (a) above.
- 4 Facility licenses are to be in the form issued by the Board and signed by the Board designate.
- 5 No facility license is transferable.
- 6 Every facility license, unless previously cancelled, expires one year from the date of issue or on an alternate date determined by the Board.
- 7 Every licensee shall ensure that his or her facility license is displayed at all times in a conspicuous place in the milk house.
- 8 Where, in the opinion of the Board, a licensee has failed to comply with:
 - (a) the *Agri-Food Act, 2004*;
 - (b) the Saskatchewan Milk Marketing Plan;
 - (c) the *Milk Marketing Plan Regulations*;
 - (d) any other regulations made pursuant to the Act respecting the Plan; or
 - (e) any other provision of this Order;the Board may suspend the facility license.
- 9 Where a determination has been made to suspend the facility license pursuant to section 8:

- (a) Notice of the suspension will be given in writing by prepaid registered mail to the licensed producer;
 - (b) The licensed producer is deemed to have received the notice given on the fifth day after the day of mailing;
 - (c) The licensed producer is to be given an opportunity to be heard, in a manner and forum determined by the Board, within 15 days of deemed receipt of the notice of suspension;
 - (d) After hearing from the licensed producer or upon the expiration of 15 days, the Board will determine whether to suspend the facility license, and such decision is effective immediately.
- 10** Notwithstanding section 9, where the Board has determined that it is necessary in the public interest or for reasons of animal health or milk quality, they may do the following, in writing, without giving the licensee an opportunity to be heard:
- (a) suspend a facility license; and
 - (b) suspend the pick-up of milk from a milk production facility until satisfactory evidence is furnished that the issue leading to the suspension has been resolved to the Board's satisfaction.
- 11** If the Board has suspended the license pursuant to section 10, the licensed producer will be given an opportunity to be heard, in a manner and forum determined by the Board, within 15 days of the suspension.
- 12** The Board may reinstate a suspended facility license if the subject of the suspended license, within 30 days of the suspension, addresses to the Board's satisfaction all of the issues or instances of non-compliance that led to the suspension of the facility license, subject to any terms and conditions the Board may determine. The Board will notify the licensed producer in writing of the facility license reinstatement and any terms and conditions of reinstatement.
- 13** Where the subject of the suspended license has not addressed, within 30 days, to the Board's satisfaction all of the issues or instances of non-compliance that led to the facility license suspension, the Board may cancel the facility license. The Board will send notice of the cancellation of the facility license by prepaid registered mail, and such notice is deemed to be received on the fifth day after the date of mailing.
- 14** A licensed producer who wishes to design, construct, or renovate a dairy barn or milk house that results in a material change shall first obtain the written approval of the Board.
- 15** The Board may require a licensed producer mentioned in section 14 to provide the Board with any information that the Board needs in order to decide whether to grant the approval.
- 16** The design, construction or renovation must meet the standards prescribed in the most recent edition of national farm building codes issued by Agriculture and Agri-Food Canada, the Associate Committee on the National Building Code, or the National Research Council of Canada.

- 17** A licensed producer shall ensure that the milking and milk handling equipment meets all applicable 3-A sanitary standards for design, fabrication, and installation.
- 18** Facilities may be inspected by a staff member of the Board or an individual that is assigned or designated as a dairy inspector at any time, and such dairy inspector may:
- (a) take photographs of the facility, grounds, and any equipment in or around the facility; and
 - (b) require the licensed producer to produce for inspection or copying any record or other document that the dairy inspector believes contains information relevant to administering the Act, Regulations, Orders, or directions of SaskMilk.
- 19** A licensed producer shall give the dairy inspector all reasonable assistance to enable them to carry out his or her duties, and shall furnish such dairy inspector with any information they may reasonably require.
- 20** Unless otherwise approved by the Board, a licensed producer:
- (a) May only store milk in approved bulk milk container(s); and
 - (b) shall have a capacity sufficient to hold and cool milk produced in two consecutive days at peak production.
- 21** A licensed producer shall ensure that:
- (a) the farm bulk milk container meets all applicable 3-A sanitary standards;
 - (b) the farm bulk milk container is provided with lugs on which to place a spirit leveling device; and
 - (c) a farm bulk milk container manufactured after January 1, 1996 has a recording thermometer or means for installing a recording thermometer.
- 22** A licensed producer shall ensure that:
- (a) the measuring rod or device and the conversion chart are accurate;
 - (b) the measuring rod and calibration chart bear the same serial number as the serial number on the farm bulk milk container; and
 - (c) the farm bulk milk container is calibrated at least once every five years.
- 23** Every licensed facility shall:
- (a) not permit livestock other than those of the bovine species to be stabled in a dairy barn except with the prior written approval of the Board;
 - (b) have a control program for access to the milking parlour, including management of guardian animals; and
 - (c) have a control program for access to a milk house or milk room.
- 24** A licensed producer shall ensure that:

- (a) the dairy production facility is clean and sanitary and meets with the approval of the Board based on inspection requirements in *Schedule A: SaskMilk Inspection Guidelines* from the *National Dairy Code* and/or the *National Automatic Milking System Guidelines*;
- (b) the dairy barn is managed in such a way as to keep the fly, insect and pest population at a minimal level;
- (c) the dairy barn is kept clean, and that its walls and ceiling are of a cleanable surface;
- (d) the milking parlour is kept clean, the walls and ceiling are painted at regular intervals, and the floor is flushed with water after each milking;
- (e) the milk house and milk room are kept painted, clean, and tidy;
- (f) the water supply used for all dairy purposes is of adequate quantity and potable quality as required;
- (g) the equipment used for production and handling of milk is cleaned after each use, sanitized before each milking, stored in a sanitary manner and kept in good condition;
- (h) milking is done under clean and sanitary conditions and that no milking is done other than in a milking parlour, automatic milking system, or tie stall;
- (i) freshly drawn milk is cooled immediately and maintained at a temperature greater than 0 degrees and less than, or equal to, 4 degrees Celsius in accordance with 3-A sanitary standards; and
- (j) persons who do the milking or who enter the milk house:
 - (i) are clean;
 - (ii) keep their hands clean while engaged in work;
 - (iii) wear clean and washable outer garments;
 - (iv) refrain from any unsanitary practice that may result in contamination of milk or equipment; and
 - (v) are free of any communicable disease that is transmissible through milk and that the licensed producer could reasonably be expected to be aware of.

25 Any licensed producer on whose facility occurs any communicable disease that is transmissible through milk, or who suspects that a dairy worker has contracted a communicable disease of that nature or has become a carrier, shall promptly notify the Board.

26 Any licensed producer shall promptly notify the Board if the following occur in their facility:

- (a) any reportable animal disease according to the *Health of Animals Act* and *Reportable Diseases Regulations*;
- (b) zoonotic bovine disease that is unusual to the industry or that may reasonably be thought to be of concern to the Board.

27 Order No. 36/18 – Facility Standards is hereby wholly revoked.

28 This Order will remain in effect for a period no longer than ten years from the date this Order is approved by the Agri-Food Council.

Order No. 47/24 is made pursuant to section 5, 7(1)(h), 7(1)(y), 7(1)(ee), 7(1)(ff), 7(1)(gg), 20, 20.1, 20.2, and 20.3 of *The Milk Marketing Plan Regulations* and shall be effective on August 1, 2024. By order of the Saskatchewan Milk Marketing Board.



Gordon Ell, Chairperson
Saskatchewan Milk Marketing Board

Pursuant to sections 5, 7(1)(h), 7(1)(y), 7(1)(ee), 7(1)(ff), 7(1)(gg), 20, 20.1, 20.2, and 20.3 of *The Milk Marketing Plan Regulations* and section 12 of *The Agri-Food Act, 2004*, the above Order No. 47/24 of the Saskatchewan Milk Marketing Board is approved this 25 day of July, 2024.



Joan Heath, Chairperson
Agri-Food Council, Saskatchewan