

ORDER 2024-02

**AN ORDER DEFINING THE BULK MILK PICKUP PROCESS UNDER THE
DAIRY FARMERS OF NEW BRUNSWICK
(the "BULK MILK PICKUP ORDER")**

PURPOSE: To establish the rules to supervise and control the transportation, handling, storing, delivery, of unprocessed Milk.

WHEREAS the Board, inter alia, is vested with the power to make such orders as are considered by the Board necessary or advisable to regulate effectively the marketing or production and marketing of Milk in New Brunswick.

NOW THEREFORE BE IT ENACTED pursuant to

i. *Milk Plan Order – Dairy Farmers of New Brunswick and all of its Orders*, and amendments or successor thereto;

DAIRY FARMERS OF NEW BRUNSWICK (hereinafter called the "Board") in its exercise of its Federal and Provincial powers, where applicable, in whole or in part, concurrently and in combination hereby repeals Order 2021-06 – Bulk Milk Pickup Order and replaces it with:

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BULK MILK PICKUP ORDER

- 1) **DEFINITIONS:** The terms referenced herein have the same meaning as given in the by-law, act, regulation, order or agreement in which the term was originally defined. If a term originates herein the term will be defined below.

Transporter means any bulk milk haulers licensed by the Commission to carry out the services of picking milk up at the Producer and delivering to the licensed processors as directed by the Board.

- 2) **PURPOSE:** The purpose of this Order is to define the obligations pertaining to the transportation of producers' milk from their farms to dairy processing facilities.
- 3) **MODE OF TRANSPORT:** Only modes of transport approved and licensed by the New Brunswick Farm Products Commission shall be recognized by the Board to move milk from the farm to dairy processing facilities.
- 4) **OBLIGATIONS OF TRANSPORTERS:** The Board shall only employ the services of Transporters whose bulk milk tankers have been inspected and licensed in accordance with the Milk Quality Regulation 2010-19, whose drivers are licensed bulk tank milk graders and who have entered into a Transporter Agreement with the Board.

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5) OBLIGATIONS OF THE PRODUCERS: Producers shall:

- a) Have a cooling tank:
 - i) sized adequately so that the first milking can be agitated and cooled to 4°C
 - ii) equipped with intermittent controlled agitation that provides a minimum of 5 minutes of agitation every hour,
 - iii) equipped with refrigeration facilities capable of cooling the maximum capacity of raw milk obtained directly from the herd to a temperature of 4°C or lower within one hour of milking, and
 - iv) capable of maintaining raw milk at that temperature at all times except for the subsequent addition of raw milk obtained directly from the herd at which time the temperature of the raw milk shall not exceed 10°C,
- b) Have a properly calibrated bulk milk tank in accordance with the New Brunswick Farm Products Commission's Bulk Tank Calibration Order that includes:
 - i) an intact measuring gauge.
 - ii) the bulk milk tank's calibration table with serial numbers corresponding to the tank and measuring rod located in a visible and accessible location for the transporter, and
- c) The tank capacity shall not be less than two and a half (2½) days of the herd's maximum production.
- d) Ensure that any replacement tank, new or used, shall have a butterfly valve and a drain outlet with a minimum diameter of two (2) inches for a tank of less than 3,000 litres and three (3) inches for other tanks.
- e) Have their milk cooled and ready for pick up
 - i) Between 8:30 am and 5pm and between 7pm and 6am for a Producer that carries out milking two (2) times a day.
 - (1) A Transporter and Producer may come to a mutual agreement to pickup milk outside of the above hours in order to allow the Transporter to complete their circuit within a timely and efficient manner.
 - ii) At a time determined by the Transporter and the Producer that carries out milking three (3) times a day.
 - iii) At any time for a Producer that has a robotic milking system with the exception of a Producer that has, on the same site, a robotic and a non-robotic milking system.
- f) Position the cooling tank so that it can be accessed by a tank truck equipped with a ten (10) metre hose.
- g) Not market milk from a cooling tank containing more than 2 and a half (2½) days of the herd's production, to be calculated from the time when this tank has been emptied for the last time by a transporter that is duly authorized to pick up milk at the farm.
- h) Not hold a Transporter liable should the Producer instruct the Transporter to activate their cooling tank's washing system as a result.

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- i) Not hold a Transporter liable should the Producer's robotic milking system causes a loss of milk or if milk is not chilled after the main tank collection.
- j) Have a supply of milk sample labels assigned to the Producer by the Board available for the Transporter to identify that farm's sample for components and milk quality testing.
- k) Permit the Transporter to collect
 - i) All the milk in the bulk milk tank or tanks at one stop every other day, or
 - ii) Collect all the milk in the bulk tank or tanks at one stop every day in cases where a Producer's production during a 48 hour period causes the Transporter's equipment to exceed the legal holding capacity of their bulk milk tri-axle trailer.
 - (1) Such Producers will not be subject to the "Additional Pickup" fee.
 - iii) On a schedule determined by the Board that is cost effective for all Producers.
- l) Inform the Board of a pickup time issue, which the Board will attempt to resolve with the Transporter.
 - i) Failing a satisfactory solution, the Producer shall be required to use an additional tank for temporary milk storage during the main tank collection by the Transporter that allows the Transporter to complete their pickup schedule that is cost effective for all Producers.
- m) Be subject to an "Additional Pickup" fee, in the case where such a pickup can be arranged, of:
 - i) \$2.00 per hectolitre on the volume of milk picked up for the 1st to the 45th additional pickup in any 24 consecutive month period, and
 - ii) \$4.00 per hectolitre on the milk picked up for the 46th to the 90th additional pickup in any 24 consecutive month period, and
 - iii) Any such "Additional Pickup" fee as determined by the Board.
- n) Have their farm located on a designated public road that can be accessed by the transporter's equipment year round.
- o) Have a farm site driveway that meets the minimum requirements as established by the Board from time to time for the Board to pick up his milk as outlined in Appendix A herein.
- p) Have a farm site driveway in good condition on its farm year round for the transporter's tank truck to access this producer's milk house under all circumstances and without any hindrances.
- q) Have a yard and entrance leading to inside the milk house that is properly cleared of snow and have any icy surface covered with non-slip substance. Except for force majeure, a place shall be arranged to allow the tank truck to turn in the producer's yard.
- r) In the event a Producer does not comply with the obligations set out herein, the Board shall suspend that Producer from shipping milk until such time as the Producer complies with the requirements of that section.
- s) A Producer must hold the minimum required amount of Daily Quota as set out in Section 5 of the Daily Quota Order for the Board to give direction to pick up their Milk.

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6) OBLIGATIONS OF THE BOARD

- a) The Board shall serve notice to Producers by phone, fax, email or text of a planned route change which may alter the usual time that their milk is picked up a minimum of twenty four hours prior to the change taking effect.
- b) In the event a Transporter or Producer notifies the Board of a non-conformance of the application of the conditions set out herein,
 - i) the Board shall notify the affected party in writing of the observed non-conformance requesting that they be addressed.
 - ii) In the event that the non-conformance is not addressed, the Board will facilitate discussion among all the affected parties to find a mutually acceptable temporary or permanent resolution.
 - iii) In cases where a mutually acceptable solution is unattainable, the Board will impose a resolution in accordance within its vested powers to regulate effectively the marketing or production and marketing of milk in New Brunswick.

7) REJECTED MILK PICKUP

- a) A Transporter shall not pick up a producer's milk in the event that said milk contravenes standards pursuant to Milk Quality Regulation 2010-19 Sections 28(1) and 28(2) and shall provide the Producer with a rejection notice in accordance with Section 28 (3), 28 (4) and 28 (5).
- b) A Transporter shall not pick up a Producer's milk when the milk in the Producer's bulk milk tank(s) exceeds two and a half (2½) days of the herd's production.
- c) The Board will deem that rejected milk and any milk that the Producer may later add to that rejected milk to be unmarketable milk and treated in accordance with the terms set out in the Unmarketable Milk Order.

8) ON FARM DISPOSAL AT DIRECTION OF THE BOARD

- a) In those cases where the Board has directed a producer to dispose of their milk due to the lack of processing capacity or a catastrophic events beyond the Producer's control, the Board may, upon making a motion to compensate the affected producer(s), instruct the Transporter to take a measurement of the volume of the tank, take a sample and confirm its disposal. The Board will include such volumes when calculating that Producer's monthly milk payment as if that milk had been picked up.

This Order takes effect February 1, 2025.

This Board Order is a reproduction of the original Board Order which has been signed by the Chairman and the General Manager.