Milk Act  
Loi sur le lait  

R.R.O. 1990, REGULATION 761  
MILK AND MILK PRODUCTS  

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This Regulation is made in English only.

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DEFINED

1. In this Regulation,

“cream” means farm-separated cream;

“farm bulk tank” means a stationary storage tank used only for the holding and cooling of milk on the premises of a producer and includes fixtures thereto and the equipment required for the use of the tank;

“inhibitor” means any antibiotic, medicine or chemical preparation that can be detected in milk;

“marketing board” means the marketing board known as Dairy Farmers of Ontario;

“milking equipment” includes those parts of a milking machine and its pipelines, connections and appurtenances with which milk comes into contact when the milking machine is used;

“milking parlour” means an area used solely for the milking of animals;

“non-shopkeeper-distributor” means a distributor other than a shopkeeper-distributor;

“official method” means a method of analysis or examination approved by the Director for use in the administration of the Act and this Regulation;

“producer” means a producer of milk or cream;

“sample storage depot” means any facility where milk samples of a producer are stored prior to pick-up for analysis for payment purposes;

“sanitize” means to treat a surface that comes into contact with milk with heat or approved chemicals capable of destroying any micro-organisms that may be adhering to the surface;
“shopkeeper-distributor” means an operator of a shop who is engaged in buying fluid milk products from a non-shopkeeper-distributor and selling or distributing on the shop premises more than 50 per cent by volume of the fluid milk products directly to consumers;

“tank-truck” means a vehicle having a tank used only for the purpose of hauling milk, cream, liquid milk products or potable water;

“utensils” means containers and equipment with which milk or cream comes into contact or is likely to come into contact used in the producing, handling and storing of milk or cream on the premises of a producer, other than farm bulk tanks and milking equipment. R.R.O. 1990, Reg. 761, s. 1; O. Reg. 100/95, s. 1; O. Reg. 348/95, s. 1.

EXEMPTIONS

1.1 This Regulation does not apply to milk referred to in subclause 5 (1) (a) (i) that is sold or offered for sale to,

(a) the marketing board for non-food use; or

(b) any other person for use in plants in which milk or milk products are processed exclusively for non-food use. O. Reg. 9/11, s. 1.

DUTIES AND POWERS OF FIELDPERSONS

2. (1) A fieldperson shall inspect premises on which milk or cream is produced and shall make a report of the inspection in triplicate. R.R.O. 1990, Reg. 761, s. 2 (1).

(2) The fieldperson shall deliver or send one copy of the report to the producer, send one copy to the Director and retain one copy for his or her records. R.R.O. 1990, Reg. 761, s. 2 (2).

(3) A fieldperson who determines that the milk or cream delivered from a producer does not comply with this Regulation or is produced from animals or on premises that do not comply or with equipment that does not comply with this Regulation,

(a) shall immediately notify the producer and the marketing board of the finding; and

(b) may by order require that no milk or cream from the producer be marketed by the producer until the milk, cream, animals, premises or equipment, as the case may be, comply with this Regulation. O. Reg. 348/95, s. 2.

(4) A producer who is aggrieved by an order of a fieldperson under subsection (3) may appeal to the Director and the Director may, after a hearing, confirm, amend or revoke the order. R.R.O. 1990, Reg. 761, s. 2 (4).

PRODUCERS

3. No producer shall sell or offer for sale milk or cream that is not produced, handled and stored in accordance with this Regulation. R.R.O. 1990, Reg. 761, s. 3.

4. No animal that is,

(a) suffering from an illness; or

(b) infected with a disease,

that adversely affects the quality or flavour of the milk or cream shall be stabled,

(c) so as to come into contact with animals from which milk or cream is obtained for sale; or

(d) on premises used in connection with the producing, handling, storing or transportation of milk or cream. R.R.O. 1990, Reg. 761, s. 4.

5. (1) No producer shall sell or offer for sale milk or cream that,

(a) is obtained from an animal,

(i) in the period of fifteen days before, or in the period of three days after, parturition, or such longer period as is required to insure that the milk or cream is colostrum-free,

(ii) to which an inhibitor has been administered, during the period of medication and for such period following the last treatment as is sufficient to ensure that the milk or cream does not contain an inhibitor when tested by an official method at a laboratory approved by the Director, or

(iii) that is not in good physical condition and free from any illness or disease that adversely affects the quality or flavour of the milk or cream;

(b) is not clean;

(c) has an objectionable flavour or odour;

(d) shows evidence of being watery, flaky, stringy, bloody, thick or adulterated;

(e) shows evidence of coagulation;
(f) contains any foreign substance;
(g) has an abnormal freezing point as described in subsection 52 (5);
(h) contains an inhibitor, when tested by an official method at a laboratory approved by the Director;
(i) is a mixture of milk or cream from two different species of animals; or
(j) is produced in an unsanitary manner. R.R.O. 1990, Reg. 761, s. 5 (1); O. Reg. 634/00, s. 1.

(2) No producer shall sell or offer for sale milk,
(a) that shows evidence of melted or churned fat floating on the surface of the milk;
(b) that has had any part of the milk fat removed;
(c) that has not been cooled in a farm bulk tank in proper working condition so that it cools milk to a temperature of 4°C or lower within two hours of milking and maintains milk at a temperature not lower than 1°C nor higher than 4°C except in a period of two hours after milking; or
(d) that has not been filtered by means of a single-service filter or a stainless steel mesh-type filter approved by the Director. R.R.O. 1990, Reg. 761, s. 5 (2).

(3) No producer shall sell or offer for sale cream separated from milk that has not been filtered by means of a single-service filter or a stainless steel mesh-type filter approved by the Director. R.R.O. 1990, Reg. 761, s. 5 (3).

6. No food shall be given to an animal of a kind or at a time or in a manner that causes its milk or cream,
(a) to give off an objectionable odour; or
(b) to have a taste or appearance other than that of normal milk or cream. R.R.O. 1990, Reg. 761, s. 6.

7. No person shall remove or cause to be removed anything from or add or cause to be added anything to milk or cream as it is produced. R.R.O. 1990, Reg. 761, s. 7.

8. (1) Animals shall be clean. R.R.O. 1990, Reg. 761, s. 8 (1).

(2) When animals are in stables, the hair on udders, flanks and tails above the switch of the animals shall be kept short. R.R.O. 1990, Reg. 761, s. 8 (2).

(3) The switch of an animal’s tail shall clear the floor when the animal is standing. R.R.O. 1990, Reg. 761, s. 8 (3).

(4) Immediately before the time of each milking of an animal, the udder shall be cleaned. R.R.O. 1990, Reg. 761, s. 8 (4).

9. (1) Every producer shall keep all buildings or premises where animals are stabled or milked,
(a) clean and in a sanitary condition;
(b) as free as possible from flies and other insects;
(c) as free as possible from dust;
(d) adequately lighted; and
(e) ventilated sufficiently to prevent odours from affecting the milk or cream. R.R.O. 1990, Reg. 761, s. 9 (1).

(2) All walls, ceilings, partitions and other parts of the stable shall be whitewashed, painted or cleaned at least once a year and be kept clean. R.R.O. 1990, Reg. 761, s. 9 (2).

(3) Where milking parlours are used,
(a) where practicable, the parlour shall be partitioned off from the stable or loafing area;
(b) animal entrance and exit doors shall be self-closing where practicable and shall be kept closed between milkings;
(c) concrete or similar impervious materials shall be used for floors, ramps and platforms;
(d) the floor and animal platforms shall be adequately sloped to trapped covered floor drains that are capable of draining any liquids from the parlour to a location outside the parlour;
(e) sufficient area shall be provided to perform the normal duties of preparing and milking the animals;
(f) walls and ceilings shall have smooth surfaces and walls shall be impervious to liquids for a reasonable distance from the floor;
(g) screens shall be provided to prevent the entrance of insects;
(h) adequate lighting shall be provided in order that the operator has good visibility of the udders while milking;
(i) adequate hoses, nozzles, water supply and cleaners shall be provided to maintain the parlour in a sanitary state; and
(j) proper ventilation and heating shall be provided. R.R.O. 1990, Reg. 761, s. 9 (3).
10. No producer of milk shall permit animals other than of the bovine or caprine genus in any part of a stable used for the stabling or milking of animals. R.R.O. 1990, Reg. 761, s. 10.

11. (1) Every producer shall keep all parts of the premises clean and, except for loafing-type stables, free from accumulations of manure and refuse. R.R.O. 1990, Reg. 761, s. 11 (1).

(2) Every producer shall store manure so as to be inaccessible to animals and so as to minimize run-off and the breeding of flies. R.R.O. 1990, Reg. 761, s. 11 (2).

12. (1) Every producer of milk shall provide a milk house attached to or adjacent to buildings where animals are milked. R.R.O. 1990, Reg. 761, s. 12 (1).

(2) Every milk house shall be in a location that,

(a) ensures good drainage and freedom from contamination;

(b) is accessible for tank-truck pick-up; and

(c) provides a tank-truck loading area that is reasonably level. R.R.O. 1990, Reg. 761, s. 12 (2).

(3) Every milk house shall,

(a) have clear space sufficient for washing, cleaning, rinsing and storing milking equipment and utensils;

(b) have a floor capable of supporting, without sagging or heaving, the cooling and storing facilities for milk and cream and the milking equipment and utensils;

(c) have a floor with a smooth surface that is impervious to liquids and that has adequate slope towards the floor drain;

(d) have one or more drains that,

(i) can be maintained in a sanitary condition,

(ii) are in an open position,

(iii) are located in the floor of the milk house at least 60 centimetres from the outlet of each farm bulk tank,

(iv) have a diameter of at least 10 centimetres, and

(v) are capable of draining any liquids from the floor in a manner approved by the Director;

(e) have walls with smooth surfaces, impervious to liquids, extending for a reasonable distance from the floor;

(f) be lighted sufficiently for the carrying out of all operations therein, including visual inspection of the milk in each farm bulk tank;

(g) be provided with at least one door to the outside and, where it has a door opening into the milking area, such door shall be solid and tight-fitting;

(h) have each door, including the door into the milking area, equipped with a self-closing device and such doors shall be kept closed;

(i) be provided with screens for all windows and other openings sufficient to prevent entry of insects;

(j) have walls and roof insulated to prevent condensation upon the inside walls and ceilings except such condensation as is caused by steam or hot water used in the milk house;

(k) be properly ventilated;

(l) be provided with a sink having two compartments;

(m) be provided with adequate amounts of hot and cold potable water under adequate pressure;

(n) be provided with a water hose with attached nozzle for rinsing each farm bulk tank; and

(o) subject to clause 12 (7) (f), be provided with a milk hose transfer-port that shall be,

(i) located near the outlet valve on each farm bulk tank,

(ii) maintained in good condition,

(iii) equipped with a self-closing device, and

(iv) used only for the passage of hose in the transfer of milk from a farm bulk tank to the tank-truck. R.R.O. 1990, Reg. 761, s. 12 (3); O. Reg. 392/99, s. 1 (1-3).

(4) Every milk house shall be,

(a) kept neat and clean and reasonably free from insects at all times;

(b) used only for,
(i) cooling and storing milk or cream,
(ii) storing milking equipment and utensils, and
(iii) washing and sanitizing milking equipment and utensils; and

(c) maintained so as not to impede the bulk tank milk grader in the performance of his or her duties.  R.R.O. 1990, Reg. 761, s. 12 (4).

(5) No animals or fowl shall be permitted to enter a milk house.  R.R.O. 1990, Reg. 761, s. 12 (5).

(6) Subject to subsection (7), no producer of cow’s milk shall have more than two farm bulk tanks.  O. Reg. 392/99, s. 1 (4).

(7) A producer of cow’s milk may have two farm bulk tanks if,
(a) when the second tank is installed the existing tank has a capacity of at least 3,800 litres;
(b) the second tank has a capacity of at least 2,280 litres;
(c) when one or both existing tanks are replaced, one tank has a capacity of at least 3,800 litres and the second has a capacity of at least 2,280 litres;
(d) the two tanks are not connected to each other;
(e) each tank is designed for every day pick-up of milk or has a plate heat exchanger;
(f) each tank is situated in the milk house so that its milk can be transferred to the tank-truck by the bulk tank grader on one stop using a standard tank-truck hose; and
(g) there are two milk-house transfer ports in the milk house if two ports are necessary to permit the milk in both tanks to be transferred to the tank truck on one stop using a standard hose.  O. Reg. 392/99, s. 1 (4).

(8) No producer of goat’s milk may have more than two farm bulk tanks.  O. Reg. 392/99, s. 1 (4).

13. (1) No person shall use milking equipment or utensils that were not,
(a) rinsed with lukewarm water and thoroughly cleaned after each milking;
(b) sanitized before each milking; and
(c) stored on suitable clean racks in the milk house, milking parlour or other suitable location when not in use.  R.R.O. 1990, Reg. 761, s. 13 (1).

(2) Every producer shall provide and maintain in good condition and state of repair milking equipment and utensils for the producing, handling and storing of milk or cream.  R.R.O. 1990, Reg. 761, s. 13 (2).

(3) No producer shall use utensils that are not in good condition and state of repair.  R.R.O. 1990, Reg. 761, s. 13 (3).

(4) Every producer shall provide equipment and materials necessary to clean, rinse and sanitize milking equipment and utensils.  R.R.O. 1990, Reg. 761, s. 13 (4).

(5) No producer shall use milking equipment or utensils for the production, handling, storage or transportation of milk or cream if the milking equipment or utensils are made of materials that,
(a) adversely affect the flavour of milk or cream that comes into contact with them;
(b) have rough surfaces or surfaces not easily cleaned;
(c) have joints not flush with the surfaces; or
(d) have open seams, cracks or exposed threads.  R.R.O. 1990, Reg. 761, s. 13 (5).

(6) No person shall milk unless he or she,
(a) has washed his or her hands immediately before the milking; and
(b) keeps his or her hands clean during the milking.  R.R.O. 1990, Reg. 761, s. 13 (6).

(7) No person shall milk an animal or handle milking equipment or utensils that come into contact with milk or cream except a person who is,
(a) in good health;
(b) free from any communicable disease as defined in the Health Protection and Promotion Act and the regulations thereunder;
(c) cleanly dressed; and
(d) personally clean at each time of milking and of handling milk, cream and utensils.  R.R.O. 1990, Reg. 761, s. 13 (7).
14. (1) The milk in the milk house may be cow’s milk or goat’s milk, but the milk of both species may not both be present in the milk house at the same time. O. Reg. 392/99, s. 2 (1).

(2) A producer who installs a new farm bulk tank or changes a farm bulk tank installation shall notify the Director and the marketing board of the installation or the change, as the case may be, before using the farm bulk tank. O. Reg. 348/95, s. 3.

(3) Unless otherwise authorized by the Director, the producer shall cool and ship directly from each farm bulk tank all milk produced. R.R.O. 1990, Reg. 761, s. 14 (3); O. Reg. 392/99, s. 2 (2).

(4) The producer shall not sell or offer for sale milk removed from a farm bulk tank by the producer. R.R.O. 1990, Reg. 761, s. 14 (4); O. Reg. 392/99, s. 2 (3).

(5) No person shall use a farm bulk tank that does not comply with sections 15 to 30 for holding or cooling milk. R.R.O. 1990, Reg. 761, s. 14 (5).

(6) No person shall fill a farm bulk tank to a level at which the milk cannot be properly agitated without spilling. R.R.O. 1990, Reg. 761, s. 14 (6).

(7) No person shall use a farm bulk tank of such size that the first milking in the tank cannot be properly agitated. R.R.O. 1990, Reg. 761, s. 14 (7).

15. (1) Where a farm bulk tank is installed by a producer on the producer’s premises, the farm bulk tank shall be located in a milk house. R.R.O. 1990, Reg. 761, s. 15 (1).

(2) Every milk house in which a farm bulk tank is located shall,

(a) be equipped with a properly grounded electrical outlet providing a service of 220 volts and having a capacity of 15 amperes to operate the tank-truck pump; and

(b) except for a farm bulk tank that is designed to extend through the wall and beyond the perimeter of the milk house, have at least 60 centimetres clear space between the tank and another farm bulk tank, a wall or a permanent fixture or device. R.R.O. 1990, Reg. 761, s. 15 (2); O. Reg. 392/99, s. 3 (1).

(3) Despite clause (2) (a), every electrical outlet shall be of 20 ampere capacity with the on and off switch located in the milk house and a receptacle of a twist-lock design located on the outside of the milk house at a point convenient to the tank-truck operator. R.R.O. 1990, Reg. 761, s. 15 (3).

(4) A farm bulk tank in a milk house shall be at least 15 centimetres above the floor of the milk house but, in the case of a tank with a rounded bottom, the lowest part of the tank may be not less than 10 centimetres above the floor. R.R.O. 1990, Reg. 761, s. 15 (4).

(5) There shall be adequate clearance between the top of each farm bulk tank and the ceiling of the milk house,

(a) to allow for the inspection, sampling, grading and measuring of the milk in the tank; and

(b) to permit the internal bulk tank measurement gauge to be completely removed. O. Reg. 392/99, s. 3 (2).

16. (1) Each farm bulk tank installed in a milk house shall be equipped with,

(a) a refrigeration unit capable of,

(i) cooling milk in the tank to a temperature of 10°C or lower within one hour after the completion of milking, and

(ii) except within a period of two hours after the completion of milking, maintaining a temperature of milk in the tank not higher than 4°C while milk remains in the tank,

(iii) maintaining a temperature of milk in the tank not lower than 1°C at any time while milk remains in the tank, and

(iv) except in the case of a unit operated by a generator or an internal combustion engine, regulating the temperature by an automatic control mechanism to within 1°C of a designated temperature;

(b) an agitator capable of agitating milk in the tank, without splashing or churning, so that the milk is thoroughly mixed in five minutes;

(c) a measuring device by which the volume of milk in the tank may be accurately determined;

(d) an indicating thermometer with scale divisions of at least 3 millimetres for each change of 2°C within a range of temperatures from 0°C to 50°C that measures accurately to within 1°C the temperature of the milk in the tank and located so as to register temperatures of the milk when the tank contains 20 per cent of its capacity; and

(e) a cap on the outlet valve. R.R.O. 1990, Reg. 761, s. 16 (1); O. Reg. 139/08, s. 1 (1).

(2) Every agitator shall be equipped with an interval timer set so that the milk in the tank is automatically agitated for at least five minutes every hour. R.R.O. 1990, Reg. 761, s. 16 (2).

(3) Where the thermometer on the farm bulk tank is inaccurate, damaged or broken, a hand thermometer with a stainless steel stem shall be provided by the producer and stored near the farm bulk tank. R.R.O. 1990, Reg. 761, s. 16 (3).
(4) The compressor parts of a refrigeration unit shall be enclosed by screening. R.R.O. 1990, Reg. 761, s. 16 (4).

(5) The farm bulk tank refrigeration unit, the agitator and the tank-truck pump must have a source of power that is sufficient to operate the farm bulk tank refrigeration unit, the agitator and the tank-truck pump in accordance with this Regulation. O. Reg. 139/09, s. 1.

17. Each farm bulk tank shall be,
(a) installed in a level position; and
(b) installed in such a manner as to prevent any movement of the tank that is likely to affect the accuracy of the measuring device by which the quantity of milk in the tank is determined. R.R.O. 1990, Reg. 761, s. 17.

18. (1) Where a gauge rod is used as the measuring device to determine the volume of milk in a farm bulk tank, the gauge rod shall be plainly marked with graduation marks not further then 1 millimetre apart, beginning at the bottom of the rod and continuing only to that level beyond which the milk in the tank cannot be properly agitated without spilling. R.R.O. 1990, Reg. 761, s. 18 (1).

(2) Where a farm bulk tank is designed for the use of a gauge rod, the tank shall be provided with a fixed point for the suspension of the gauge rod. R.R.O. 1990, Reg. 761, s. 18 (2).

(3) Each gauge rod shall be supported in the vertical position at which the farm bulk tank has been calibrated. R.R.O. 1990, Reg. 761, s. 18 (3).

(4) No person shall use a measuring device in determining the volume of milk in a farm bulk tank except a measuring device that determines the volume of milk within a tolerance of,
(a) three litres for the first 750 litres; and
(b) an additional one litre for each additional 750 litres or part thereof,
of milk in the tank. R.R.O. 1990, Reg. 761, s. 18 (4).

(5) Every producer shall maintain near the tank a milk chart, in good condition, for each farm bulk tank. O. Reg. 392/99, s. 4 (1).

(5.1) Each chart must show,
(a) the number of litres for each reading of the measuring device used to determine the volume of milk in the tank; and
(b) the number of whole litres for each graduation of the measuring device. O. Reg. 392/99, s. 4 (1).

(5.2) Every producer shall provide a copy of each chart to the marketing board on the board’s request. O. Reg. 392/99, s. 4 (1).

(6) The readings entered on the chart shall not exceed,
(a) the manufacturer’s rated capacity for the tank; or
(b) the number of litres of milk which can be properly agitated in the tank without spilling. R.R.O. 1990, Reg. 761, s. 18 (6).

(7) No person shall use a measuring device or a chart other than a measuring device or a chart having the same manufacturer’s serial number as the serial number of the farm bulk tank. R.R.O. 1990, Reg. 761, s. 18 (7).

(8) No person shall alter in any way a measuring device or chart except that the marketing board or the manufacturer of the farm bulk tank may correct or replace an inaccurate chart. O. Reg. 348/95, s. 4.

(9) Where the milk in a farm bulk tank cannot be sampled by a sampling pipette, the producer shall provide a long-handled dipper and a container filled with sanitizing solution for use by the bulk tank milk grader. R.R.O. 1990, Reg. 761, s. 18 (9).

(9.1) Every producer of milk shall post the producer’s licence, with the licence number in a bar code format, so that it is easily accessible to the bulk tank milk grader. O. Reg. 302/04, s. 1 (1).

(10) Every producer of goat’s milk shall mount a dispenser with milk sample labels near the farm bulk tanks in the milk house. O. Reg. 302/04, s. 1 (2).

19. (1) The inside lining, covers, bridges, doors, underside of insulated covers or bridges, agitators, tubing for compressed air agitation, inlet and outlet connections, measuring device and any other parts of a farm bulk tank coming into contact with milk or milk products shall be of stainless steel and the surfaces of all such parts shall be smooth. R.R.O. 1990, Reg. 761, s. 19 (1).

(2) In subsections (1) and (3) and in section 22, “inside lining” means all surfaces that come into contact with milk or that extend above the breast of a farm bulk tank as a cooling surface and includes those surfaces that enclose the ends, sides and top of the tank instead of bridges or fixed covers. R.R.O. 1990, Reg. 761, s. 19 (2); O. Reg. 392/99, s. 5.
(3) Where welds are made to the inside lining, the metal used in the weld shall be as corrosion-resistant as stainless steel. R.R.O. 1990, Reg. 761, s. 19 (3).

20. The portion of the outer shell of a farm bulk tank that covers the outside of the insulation or heat exchange jacket shall be of a continuous metal covering that is smooth, sanitary and sealed by welding or other effective means. R.R.O. 1990, Reg. 761, s. 20.

21. Surfaces of every farm bulk tank that come into contact with milk, including surfaces of covers, doors, fittings and accessories thereof, shall be clearly visible, easily accessible and readily cleanable. R.R.O. 1990, Reg. 761, s. 21.

22. (1) Where welds are made to the inside or the breast of a farm bulk tank, the welds shall be ground smooth and polished so that the finish is flush with the adjoining surface. R.R.O. 1990, Reg. 761, s. 22 (1).

(2) Inside corners of the bottom, sides and ends of the inside lining of a farm bulk tank and any attachments within the tank shall be rounded. R.R.O. 1990, Reg. 761, s. 22 (2).

(3) The inside lining of a farm bulk tank shall remain in a fixed position in relation to the outer shell or body of the tank and shall be of such construction that in normal use it does not develop any sag, buckle or distortion under load or from any other condition that is likely to affect the accuracy of the measuring device by which the quantity of milk in the tank is determined. R.R.O. 1990, Reg. 761, s. 22 (3).

(4) The inside lining of a farm bulk tank shall be pitched to the outlet to effect complete drainage. R.R.O. 1990, Reg. 761, s. 22 (4).

(5) All exterior seams of the outer shell of a farm bulk tank shall be sealed against moisture and vermin. R.R.O. 1990, Reg. 761, s. 22 (5).

(6) Where the outside surface of a farm bulk tank is not of corrosion-resistant material, the entire outside surface shall be painted and shall be smooth. R.R.O. 1990, Reg. 761, s. 22 (6).

(7) When covers or doors of a farm bulk tank are open, no liquid from the inner or outer surfaces of main covers and doors shall drain into the milk compartment. R.R.O. 1990, Reg. 761, s. 22 (7).

23. (1) The edges of all openings in the covers or bridges of a farm bulk tank shall be flanged upwards. R.R.O. 1990, Reg. 761, s. 23 (1).

(2) Openings of a farm bulk tank that are not continuously in use shall be provided with removable covers. R.R.O. 1990, Reg. 761, s. 23 (2).

(3) Main covers of a farm bulk tank, when fitted for the use of strainers, shall have openings with a rim capable of supporting the strainer. R.R.O. 1990, Reg. 761, s. 23 (3).

(4) A removable cover shall be provided for each strainer opening on a farm bulk tank and shall be self-draining to the outside edge of the cover and shall have a downward flange of not less than 6.4 millimetres. R.R.O. 1990, Reg. 761, s. 23 (4).

(5) Every cover of a farm bulk tank shall be provided with a handle or knob welded in place and weld-ground smooth. R.R.O. 1990, Reg. 761, s. 23 (5).

(6) All openings into a farm bulk tank shall be adequately protected against drip, dust, oil, insects and other things likely to contaminate the milk in the tank. R.R.O. 1990, Reg. 761, s. 23 (6).

24. Every farm bulk tank shall have an outlet connection that is of sanitary construction, readily cleanable and of sufficient size to facilitate rapid drainage. R.R.O. 1990, Reg. 761, s. 24.

25. Every valve provided in a farm bulk tank shall be of sanitary construction and readily cleanable and every outlet valve shall be of stainless steel. R.R.O. 1990, Reg. 761, s. 25.

26. (1) Every farm bulk tank shall be supported on adjustable legs of adequate size and spacing to support the weight of the tank when filled to capacity. R.R.O. 1990, Reg. 761, s. 26 (1).

(2) The bases of the legs of a farm bulk tank shall rest on solid masonry. R.R.O. 1990, Reg. 761, s. 26 (2).

(3) The legs of a farm bulk tank shall be capable of raising the tank high enough for attachment of fittings and for draining the tank. R.R.O. 1990, Reg. 761, s. 26 (3).

(4) The outside of the leg sockets of the farm bulk tank shall be of corrosion-resistant material or painted and shall be readily cleanable. R.R.O. 1990, Reg. 761, s. 26 (4).

27. The agitator in a farm bulk tank shall be so constructed that visual inspection of it can be made from outside the farm bulk tank and it shall be readily cleanable. R.R.O. 1990, Reg. 761, s. 27.

28. (1) In the case of an agitator that is removable from a farm bulk tank, the agitator shall be provided with a coupling that is easily accessible and readily dismountable. R.R.O. 1990, Reg. 761, s. 28 (1).

(2) A coupling for use inside a farm bulk tank shall be of a sanitary type. R.R.O. 1990, Reg. 761, s. 28 (2).
A coupling, when located outside a farm bulk tank, shall be installed above the protection provided for the shaft opening into the tank. R.R.O. 1990, Reg. 761, s. 28 (3).

All surfaces of the bottom support of an agitator shall be visible when the agitator shaft is removed. R.R.O. 1990, Reg. 761, s. 28 (4).

The bottom support of an agitator shall not interfere with proper drainage of the tank. R.R.O. 1990, Reg. 761, s. 28 (5).

The opening through the bridge of the main cover of a farm bulk tank shall be provided with at least 2.5 centimetres of space for brush cleaning between the shaft and the inside surface of the opening. R.R.O. 1990, Reg. 761, s. 28 (6).

The shaft of a horizontal agitator in a farm bulk tank shall be provided with a sanitary type rotary seal and shall be dismountable for cleaning. R.R.O. 1990, Reg. 761, s. 29.

All surfaces of the bottom support of an agitator shall be visible when the agitator shaft is removed. R.R.O. 1990, Reg. 761, s. 28 (4).

The bottom support of an agitator shall not interfere with proper drainage of the tank. R.R.O. 1990, Reg. 761, s. 28 (5).

The opening through the bridge of the main cover of a farm bulk tank shall be provided with at least 2.5 centimetres of space for brush cleaning between the shaft and the inside surface of the opening. R.R.O. 1990, Reg. 761, s. 28 (6).

The shaft of a horizontal agitator in a farm bulk tank shall be provided with a sanitary type rotary seal and shall be dismountable for cleaning. R.R.O. 1990, Reg. 761, s. 29.

(1) Where the agitation of the milk is by compressed air, the air, before being used for this purpose, shall be filtered to remove dust, insects, all extraneous material and any source of objectionable odours and shall be conveyed to the milk by sanitary piping from a point above the surface of the milk in a farm bulk tank. R.R.O. 1990, Reg. 761, s. 30 (1).

(2) The piping used to convey the air in a farm bulk tank shall be designed to prevent siphoning or backflow of milk into the air system. R.R.O. 1990, Reg. 761, s. 30 (2).

Every producer shall clean each farm bulk tank after each time it is emptied by means of a cleaning compound capable of removing dirt and milk deposits and shall rinse the tank with a sanitizing agent prior to the tank’s next use. R.R.O. 1990, Reg. 761, s. 31; O.R. Reg. 392/99, s. 6.

Where pipelines, dumping stations, farm bulk tanks or inflations are cleaned and sanitized in place,
(a) the producer shall rinse the equipment, except farm bulk tanks, with lukewarm water immediately following milking;
(b) the producer shall obtain from the producer’s equipment supplier or supplier of washing compounds instructions for the procedure to be followed for cleaning and sanitizing each piece of equipment and shall post the instructions on the wall of the milk house;
(c) the producer shall provide drainage valves at the bottom of pipeline risers in pipeline systems that do not drain properly without such drainage valves. R.R.O. 1990, Reg. 761, s. 32 (1); O. Reg. 392/99, s. 7 (1).

The information to be posted under clause (1) (b) shall indicate,
(a) the analysis of the water regularly used in the washing of the bulk tank;
(b) the quantities of washing compound and water used in the washing cycle;
(c) the maximum and minimum water temperatures used in the washing cycle;
(d) the length of time used in the washing cycle;
(e) the quantities of sanitizer and water used in the sanitizing cycle; and
(f) the manufacturer’s names for the washing and sanitizing compounds used. R.R.O. 1990, Reg. 761, s. 32 (2).

In the event acidified wash or rinse is used, such information shall be posted on the wall in the milk house in addition to the information required under subsection (2). R.R.O. 1990, Reg. 761, s. 32 (3).

Only detergents, wetting agents, sanitizing agents or similar compounds that are recommended by the manufacturers thereof for the cleaning or sanitizing of pipelines, dumping stations, farm bulk tanks or inflations shall be used. R.R.O. 1990, Reg. 761, s. 32 (4).

The materials mentioned in subsection (4) shall be used in the manner recommended by the manufacturer. R.R.O. 1990, Reg. 761, s. 32 (5).

Pipelines shall be sloped to facilitate proper drainage. R.R.O. 1990, Reg. 761, s. 32 (6).

An automatically washed pipeline shall be equipped with electrical controls to prevent it from being rinsed or washed while a milk line is connected to a farm bulk tank, and to prevent milking from taking place unless the milk line is so connected. O. Reg. 196/91, s. 1; O. Reg. 392/99, s. 7 (2).

A manually controlled “C.I.P.” pipeline shall be equipped with electrical or mechanical controls to prevent it from being rinsed or washed while a milk line is connected to a farm bulk tank. O. Reg. 196/91, s. 1; O. Reg. 392/99, s. 7 (2).

Upon request, a producer in the presence of a fieldperson shall disassemble equipment for visual inspection of milk contact surfaces. R.R.O. 1990, Reg. 761, s. 33.

Vacuum lines shall be cleaned internally at six-month intervals or as frequently as is necessary to prevent contamination of milk or milk contact surfaces. R.R.O. 1990, Reg. 761, s. 34.
TIME TEMPERATURE RECORDERS

34.1 (1) This section applies to every producer of cow’s milk. O. Reg. 139/08, s. 2.

(2) Every producer shall install and maintain as many time temperature recorders as necessary to monitor the farm bulk tanks and pipelines that the producer uses for cow’s milk and the sinks that the producer uses for cleaning milking equipment used for cow’s milk in accordance with this Regulation. O. Reg. 139/08, s. 2.

(3) Each time temperature recorder must continuously display the correct date and time and the current temperature of the contents of every farm bulk tank, pipeline and sink used for cleaning milking equipment that the particular time temperature recorder monitors. O. Reg. 139/08, s. 2.

(4) Each time temperature recorder must be located in the milk house or in a vestibule that is attached to the milk house and that opens to the outdoors. O. Reg. 139/08, s. 2.

(5) Each time temperature recorder must be powered by electricity provided by a source of electric power that is capable of operating the time temperature recorder in accordance with this Regulation and on a continuous basis. O. Reg. 139/08, s. 2.

(6) Each time temperature recorder must be equipped with a working battery or other back-up power supply and programmed so that if the electric power supply is interrupted, the time temperature recorder will,

(a) continue to display the correct time and date; and

(b) continue to preserve all information that is stored on it at the time of the interruption in the electric power supply. O. Reg. 139/08, s. 2.

(7) Each time temperature recorder must be designed, constructed, programmed and installed so that it does not cause electronic interference with the normal operation of the farm bulk tank, agitator, farm bulk tank refrigeration unit, tank-truck pump, pipeline or other equipment. O. Reg. 139/08, s. 2.

(8) Each time temperature recorder must be programmed with the minimum and maximum water temperatures recommended by the manufacturer of the washing compounds used in the washing solution for cleaning the farm bulk tank, pipeline or sink used for cleaning milking equipment that the particular time temperature recorder monitors. O. Reg. 139/08, s. 2.

(9) Each time temperature recorder that has electronic sensors that come into direct contact with milk must be designed and constructed so that the sensors may be maintained in a sanitary condition and every producer shall maintain the sensors in a sanitary condition. O. Reg. 139/08, s. 2.

(10) If the electric power supply to a time temperature recorder is interrupted, when the electric power supply is restored, the time temperature recorder must display a visual alarm. O. Reg. 139/08, s. 2.

(11) A time temperature recorder that monitors a farm bulk tank must display a visual alarm every time,

(a) the temperature of the milk in the farm bulk tank,

(i) is higher than 10°C at any time, except within one hour after the completion of milking,

(ii) is higher than 4°C at any time, except within two hours after the completion of milking, or

(iii) is lower than 1°C at any time;

(b) the milk in the farm bulk tank is not agitated for at least five minutes every hour in accordance with subsection 16 (2); or

(c) the farm bulk tank is not cleaned in accordance with clause 13 (1) (a) between emptying and the next milking. O. Reg. 139/08, s. 2.

(12) A time temperature recorder that monitors a pipeline must display a visual alarm if the pipeline is not cleaned in accordance with clauses 13 (1) (a) and 32 (1) (a) after each milking. O. Reg. 139/08, s. 2.

(13) A time temperature recorder that monitors a sink used for cleaning milking equipment must display a visual alarm if the sink is not used to clean the milking equipment after each milking. O. Reg. 139/08, s. 2.

(14) A time temperature recorder that monitors a farm bulk tank, pipeline or sink used for cleaning milking equipment must display a visual alarm if the temperature of the washing solution in the farm bulk tank, pipeline or sink does not reach the minimum temperature or exceeds the maximum temperature described in subsection (8). O. Reg. 139/08, s. 2.

(15) When a time temperature recorder displays an alarm in accordance with subsection (10), (11), (12), (13) or (14), the display on the time temperature recorder must indicate what caused the alarm to activate. O. Reg. 139/08, s. 2.

(16) A time temperature recorder that monitors a farm bulk tank or pipeline must measure and record the average temperature of milk in the farm bulk tank or pipeline for every five-minute period that the farm bulk tank or pipeline contains milk. O. Reg. 139/08, s. 2.
(17) A record required by subsection (16) must be made at the end of every five-minute period and must include the date and time that the record was made. O. Reg. 139/08, s. 2.

(18) A time temperature recorder that monitors a farm bulk tank, pipeline or sink used for cleaning milking equipment must measure and record the average temperature of the contents of the farm bulk tank, pipeline or sink for every twenty-second period that the farm bulk tank, pipeline or sink contains rinse water, washing solution or sanitizing solution. O. Reg. 139/08, s. 2.

(19) A record required by subsection (18) must be made at the end of every twenty-second period and must include the date and time that the record was made. O. Reg. 139/08, s. 2.

(20) A time temperature recorder must make a record every time an alarm activates in accordance with subsection (10), (11), (12), (13) or (14). O. Reg. 139/08, s. 2.

(21) A record required by subsection (20) must include,
(a) the date and time the alarm was activated;
(b) the date and time the alarm was deactivated;
(c) the cause of the alarm;
(d) if the alarm is activated due to a circumstance described in subsection (10), the time when the interruption in the electric power supply started;
(e) if the alarm is activated due to a circumstance described in clause (11) (a), the temperature of the milk in the farm bulk tank at the time the alarm activated; and
(f) if the alarm is activated due to a circumstance described in subsection (14), the temperature of the washing solution in the farm bulk tank, pipeline or sink at the time the alarm activated. O. Reg. 139/08, s. 2; O. Reg. 139/09, s. 2.

(22) Subject to subsection (23), a time temperature recorder must hold the records it is required to make by this Regulation in its memory in an unaltered form for the most recent three years. O. Reg. 139/08, s. 2.

(23) Until August 1, 2011, a time temperature recorder must hold all the records it is required to make by this Regulation in its memory in an unaltered form. O. Reg. 139/08, s. 2.

(24) The records held in a time temperature recorder must be stored in a form that is approved by a Director and that will allow a field-person to electronically retrieve and copy the records in a readable form. O. Reg. 139/08, s. 2.

ANNUAL ANIMAL HEALTH RISK ASSESSMENT

34.2 (1) This section applies to every producer of cow’s milk. O. Reg. 17/13, s. 1.

(2) Every producer shall ensure that a veterinarian licensed under the Veterinarians Act attends the producer’s premises to perform an annual animal health risk assessment of the producer’s dairy cattle herd in accordance with this section. O. Reg. 17/13, s. 1.

(3) The assessment shall be completed during the veterinarian’s on-site visit and shall be documented in the Form entitled “Cattle Health and Veterinary Medicine Use Declaration” dated January 14, 2013 and available on the marketing board’s website. O. Reg. 17/13, s. 1.

(4) As part of the assessment, the veterinarian shall conduct a review of the herd’s veterinary medicine use with the producer or with the individual who is responsible for the herd’s veterinary medicine use. O. Reg. 17/13, s. 1.

(5) The producer shall keep the completed assessment form on the producer’s premises for at least three years after the date on which the producer signs the form and shall provide a copy to a fieldperson or to the Director on request. O. Reg. 17/13, s. 1.

(6) Assessments shall be completed in accordance with the following rules:
1. A producer’s initial assessment shall be completed before the day on which a fieldperson first inspects the producer’s premises after this section comes into force. The initial assessment must have been completed during the 12 months that precede the date of the fieldperson’s inspection.
2. Each subsequent assessment shall be completed annually on or before the anniversary of the date of the producer’s initial assessment. O. Reg. 17/13, s. 1.

TRANSPORTERS

35. (1) No person shall transfer milk from a farm bulk tank, except the holder of a bulk tank milk grader’s certificate or an apprentice bulk tank milk grader’s certificate. R.R.O. 1990, Reg. 761, s. 35 (1).

(2) No person shall transfer milk to or from a tank-truck except by means of a hose. R.R.O. 1990, Reg. 761, s. 35 (2).

36. (1) No person shall transport milk from a farm bulk tank except in a tank-truck. R.R.O. 1990, Reg. 761, s. 36 (1).

(2) No person shall operate a tank-truck for the transportation of milk except a tank-truck equipped with,
(a) a tank with an inside lining of stainless steel;
(b) an insulated dust-tight cabinet constructed of stainless steel for the holding of milk hose, a pump and other equipment used in transferring milk to or from the tank-truck;
(c) an insulated dust-tight cabinet for the holding of samples of milk and a means by which the samples are maintained at a temperature of not less than 1°C and not more than 4°C;
(d) a hose that has smooth surfaces, is readily cleaned, is not toxic and does not affect the flavour of milk that comes in contact with the hose; and
(e) spray-ball equipment for cleaning and sanitizing, by means of the continuous circulation of a cleaning fluid and a sanitizing fluid, all surfaces that come in contact with milk. R.R.O. 1990, Reg. 761, s. 36 (2).

37. (1) Before transferring any milk from a farm bulk tank to a tank-truck, a bulk tank milk grader shall,  

(a) examine the milk in the farm bulk tank to determine if the milk must be rejected under subsection 51 (1); and
(b) in the case of cow’s milk, take the temperature of the milk in the farm bulk tank in accordance with subsection (1.0.1) to determine if it must be rejected under subsection 51 (4). O. Reg. 272/12, s. 1 (1).

(1.0.1) A bulk tank milk grader shall take the temperature of cow’s milk in accordance with the following procedures:

1. The temperature of the milk shall not be taken until the agitator has been in operation for at least two minutes or such longer period of time as is necessary for the milk to be thoroughly mixed.

2. The temperature shall be taken a first time,
   i. by reading the temperature displayed on the time temperature recorder for the bulk tank described in section 34.1, or
   ii. if the time temperature recorder for the bulk tank has not displayed the temperature at the time the milk is picked up from the bulk tank, with an accurate hand thermometer with a stainless steel stem supplied by the bulk tank milk grader.

3. If the temperature taken under paragraph 2 is higher than 10˚C, the temperature shall be taken a second time with an accurate hand thermometer described in subparagraph 2 ii. O. Reg. 272/12, s. 1 (1).

(1.0.2) If, after examining milk or taking the temperature of the milk under subsection (1), the bulk tank milk grader determines that the milk must be rejected in accordance with subsection 51 (1) or (4), he or she shall refuse to transfer the milk or, if the transfer has already begun, cease to transfer the milk, and shall,

(a) attach to the tank a rejection tag showing the reason for the rejection;
(b) attempt to notify the producer; and
(c) notify the marketing officer of the marketing board as soon as possible. O. Reg. 272/12, s. 1 (1).

(1.0.3) For greater certainty, a bulk tank milk grader may determine that milk must be rejected in accordance with subsection 51 (1) as a result of observations that he or she makes during the transfer of milk and, if such a determination is made, subsection (1.0.2) applies. O. Reg. 272/12, s. 1 (1).

(1.1) Where there are two bulk tanks for cow’s milk in a milk house, and a bulk tank milk grader rejects milk in a tank under subsection (1.0.2), the bulk tank grader shall add a harmless food colouring to the tank containing the rejected milk. O. Reg. 392/99, s. 8; O. Reg. 272/12, s. 1 (2).

(2) Where a producer receives a rejection tag, the marketing board may apply to the operator of a plant for acceptance of the milk for which the rejection tag was issued. O. Reg. 348/95, s. 5 (2).

(3) Where the bulk tank milk grader rejects milk in a farm bulk tank under subsection (1.0.2), the producer shall not market the milk unless authorized to do so by the marketing board. O. Reg. 348/95, s. 5 (2); O. Reg. 272/12, s. 1 (3).

(4) REVOKED: O. Reg. 302/04, s. 2 (2).

38. (1) No bulk tank milk grader shall transfer milk from a farm bulk tank without determining the volume of the milk in the tank. R.R.O. 1990, Reg. 761, s. 38 (1).

(2) The bulk tank milk grader, when recording the volume of milk in a farm bulk tank, shall not record a volume in excess of that for which the tank has been calibrated or for which the gauge rod or other measuring device has been graduated. R.R.O. 1990, Reg. 761, s. 38 (2).

(3) The bulk tank milk grader, immediately after determining the volume of the milk in a farm bulk tank, shall make a report to the producer showing,

(a) the date;
(b) the volume of milk in the tank;
(c) the reading of the gauge rod or other measuring device; and

(d) the temperature of the milk determined by,

(i) in the case of cow’s milk, the procedure described in subsection 37 (1.0.1), and

(ii) in the case of goat’s milk, an accurate hand thermometer with a stainless steel stem supplied by the bulk tank milk grader. R.R.O. 1990, Reg. 761, s. 38 (3); O. Reg. 272/12, s. 2.

(4) Immediately after determining the volume of the milk in a farm bulk tank, the bulk tank milk grader shall start the agitator.  R.R.O. 1990, Reg. 761, s. 38 (4).

(5) After the agitator has been in operation for at least two minutes and so much longer as may be necessary for the milk to be thoroughly mixed, the bulk tank milk grader shall take a sample of the milk with a sampling pipette or, if a sampling pipette cannot be used, a sanitized long-handled dipper.  R.R.O. 1990, Reg. 761, s. 38 (5); O. Reg. 569/06, s. 1.

(6) A sample of milk taken under subsection (5) shall be in the amount that is necessary to permit sample testing and approved by the Director.  O. Reg. 185/10, s. 1 (1).

(6.1) The bulk tank milk grader shall place each sample of milk, other than goat’s milk, taken under subsection (5) into a container which shall be closed and clearly identified with a unique number so that the sample can be associated with the producer’s licence and the bulk tank from which the sample was taken.  O. Reg. 302/04, s. 3 (1).

(7) The bulk tank milk grader shall place each sample of goat’s milk taken under subsection (5) into a container which shall be closed and clearly marked with the name or number of the producer of the goat’s milk.  O. Reg. 302/04, s. 3 (2).

(8) Immediately after putting the samples of milk into a container in accordance with subsection (7), the bulk tank milk grader shall place each container into a plastic insert that is filled with a mixture of ice and water and that is held in a clean, fully insulated carrying case.  R.R.O. 1990, Reg. 761, s. 38 (8).

(9) The bulk tank milk grader shall, after transferring the milk from a farm bulk tank to a tank-truck, rinse the farm bulk tank with cold or lukewarm water from the hose with attached nozzle provided by the producer.  R.R.O. 1990, Reg. 761, s. 38 (9).

(10) Where the bulk tank milk grader is unable to transfer all the milk from a farm bulk tank to a tank-truck, the grader shall, on the same day, return for the rest of the milk or notify the milk marketing board that he or she is unable to return.  R.R.O. 1990, Reg. 761, s. 38 (10).

(11) The bulk tank milk grader shall provide enough ice to fill the plastic insert and shall keep each sample of milk refrigerated therein until it is placed in a refrigerated sample cabinet at a sample storage depot.  R.R.O. 1990, Reg. 761, s. 38 (11).

(12) As soon as possible, but no later than 24 hours after the sample was taken, the bulk tank milk grader shall place the sample in a sample rack, mark the rack in a manner approved by the Director and place the rack in a refrigerated sample cabinet.  O. Reg. 185/10, s. 1 (2).

(13) Until the sample is tested, it shall be maintained at a temperature not lower than 0°C and not higher than 4°C.  O. Reg. 185/10, s. 1 (2).

(14) No person shall put into a sample of milk,

(a) any foreign substance; or

(b) any milk other than milk from the same producer.  R.R.O. 1990, Reg. 761, s. 38 (14).

(15) Every sample storage depot shall contain a segregated area with enough room to label sample racks and store samples for five days.  R.R.O. 1990, Reg. 761, s. 38 (15); O. Reg. 185/10, s. 1 (3).

(16) A sample storage depot shall be equipped with,

(a) adequate mechanical refrigeration capacity for sample storage;

(b) an impervious table top for labelling sample racks;

(c) adequate lighting and ventilation;

(d) a source of ice;

(e) storage facilities for sample containers, labels, sample racks and pipettes in numbers satisfactory to the Director; and

(f) sample cabinets, each equipped with a device that logs and indicates time and temperature.  R.R.O. 1990, Reg. 761, s. 38 (16); O. Reg. 185/10, s. 1 (4).

(17) The owner of a sample storage depot shall maintain the area,

(a) in a clean and orderly manner; and

(b) at a temperature higher than 0°C.  R.R.O. 1990, Reg. 761, s. 38 (17).
(18) Samples shall be kept in a sample storage depot and shall be available for pick-up and transport to a laboratory 24 hours a day or during the hours approved by the Director for each sample storage depot. O. Reg. 185/10, s. 1 (5).

(19) The owner of a sample storage depot shall keep for a period of ninety days official receipts in a form approved by the Director showing,

(a) the date and time;
(b) the number of sample racks picked up;
(c) the number of special samples; and
(d) the signature of the person picking up the sample racks. R.R.O. 1990, Reg. 761, s. 38 (19).

39. (1) Subject to subsection (2), the operator of a tank-truck shall, immediately after each load is emptied, thoroughly clean and sanitize all surfaces of the tank-truck that come in contact with milk. R.R.O. 1990, Reg. 761, s. 39 (1).

(2) Where more than one load of milk is emptied from a tank-truck in any one day, the operator of the tank-truck shall, immediately after the last load of milk is emptied, thoroughly clean and sanitize all surfaces of the tank-truck that come in contact with milk. R.R.O. 1990, Reg. 761, s. 39 (2).

(3) The cleaning and sanitizing prescribed by subsections (1) and (2) shall be carried out at a tank-truck wash station or a milk transfer station. R.R.O. 1990, Reg. 761, s. 39 (3).

(4) After each cleaning and sanitizing of a tank-truck at a tank-truck wash station, the operator of the tank-truck shall,

(a) determine by inspection that the tank-truck is clean and sanitary; and
(b) keep a record of such cleaning and sanitizing in a form approved by the Director and retain such record for a period of ninety days. R.R.O. 1990, Reg. 761, s. 39 (4).

(5) Where the pick-up of a load of milk is not completed in one day, the operator of the tank-truck shall thoroughly clean and sanitize the pump and hose after the final pick-up on the first day or prior to use on the second day. R.R.O. 1990, Reg. 761, s. 39 (5).

(6) Every operator of a tank-truck shall maintain in a clean condition all surfaces of the tank-truck that do not come in contact with milk. R.R.O. 1990, Reg. 761, s. 39 (6).

40. (1) Every plant shall be equipped with or the operator thereof shall have readily available a tank-truck wash station that complies with sections 41, 42 and 43. R.R.O. 1990, Reg. 761, s. 40 (1).

(2) The use of a tank-truck wash station and the equipment and materials for cleaning and sanitizing tank-trucks shall be made available by the operator of a plant without charge to operators of tank-trucks delivering milk to the plant. R.R.O. 1990, Reg. 761, s. 40 (2).

(3) The operator of a plant is not required to provide personnel to clean and sanitize tank-trucks, but is responsible for the safe and proper functioning of tank-truck washing equipment. R.R.O. 1990, Reg. 761, s. 40 (3).

(4) The uses of a tank-truck wash station and the equipment and materials at a plant are restricted to cleaning and sanitizing the interior of tanks and equipment thereon and washing the outside of tank-trucks. R.R.O. 1990, Reg. 761, s. 40 (4).

41. (1) Owners of milk transfer stations and plants providing tank-truck washing facilities shall post on the wall of the facility in a prominent place the procedure to be used for cleaning a tank-truck including,

(a) the quantities of washing compound and water used in the washing cycle;
(b) the maximum and minimum water temperatures used in the washing cycle;
(c) the length of time used in the washing cycle;
(d) the quantities of sanitizer and water used in the sanitizing cycle;
(e) the manufacturer’s names for the washing and sanitizing compounds used;
(f) the instructions as to the procedures to be used in operating the equipment for cleaning the tank-truck; and
(g) the name of and the procedure for contacting the person to be contacted in the event of equipment failure or other information being required to operate the wash-up facilities. R.R.O. 1990, Reg. 761, s. 41 (1).

(2) The temperature of the water used in the washing cycle shall not be higher than 60°C nor lower than that recommended by the manufacturer of the washing compound. R.R.O. 1990, Reg. 761, s. 41 (2).

(3) The temperature of the water used in the sanitizing cycle shall not be higher than,

(a) the temperature of the cold water supply; or
(b) 10°C,
whichever is less. R.R.O. 1990, Reg. 761, s. 41 (3).

(4) Information regarding the use of acidified wash or rinse shall be posted in addition to the information required under subsection (1). R.R.O. 1990, Reg. 761, s. 41 (4).

(5) A tank-truck shall not be washed with acidified wash more than once a week. R.R.O. 1990, Reg. 761, s. 41 (5).

42. (1) Every tank-truck wash station shall,

(a) have clear space sufficient for cleaning and sanitizing tank-trucks;

(b) have a floor that,

(i) is capable of supporting tank-trucks without sagging or heaving,

(ii) has a smooth surface that is impermeable to liquids, and

(iii) has a minimum 2 per cent slope towards the floor drain;

(c) have a drain that can be maintained in a sanitary condition located in the floor in an open position with a diameter of at least 15 centimetres and that is capable of draining any liquids from the floor;

(d) have, under pressure, an adequate supply of potable hot and cold water;

(e) have a means of lifting the wash hose safely to the top of the tank-truck;

(f) have an adequate supply of the materials required for cleaning and sanitizing tank-trucks;

(g) have a properly-functioning device for indicating washing compound content;

(h) have adequate means for cleaning small parts and the milk hose;

(i) have a pump with sufficient capacity and pressure to thoroughly clean all surfaces that come in contact with milk;

(j) have a return pump with a capacity equal to or greater than the capacity of the pump mentioned in clause (i) to remove the cleaning solution;

(k) have in the wash line on the suction side of the pump a removable pump filter which does not materially impede the flow of wash water;

(l) have in each tank containing a cleaning or sanitizing solution or in the line leading from the tank a thermometer clearly visible to the operator of a tank-truck; and

(m) have adequate means of sanitizing all surfaces that come in contact with milk. R.R.O. 1990, Reg. 761, s. 42 (1).

(2) A tank-truck wash station constructed or altered after the 1st day of January, 1988 shall have a door at least 3.7 metres wide and 4.3 metres high. R.R.O. 1990, Reg. 761, s. 42 (2).

43. (1) Only washing compounds, wetting agents, sanitizing agents or other similar materials that are recommended by the manufacturers thereof for the cleaning or sanitizing of tank-trucks shall be used. R.R.O. 1990, Reg. 761, s. 43 (1).

(2) The materials mentioned in subsection (1) shall,

(a) be used in the manner recommended by the manufacturers; and

(b) be prepared and maintained for use by the operator of the tank-truck wash station. R.R.O. 1990, Reg. 761, s. 43 (2).

44. (1) No person shall transport milk or cream for manufacture into a milk product in a tank-truck other than a tank-truck having a tank with an inside lining of stainless steel that is free from rust, open seams and other mechanical defects. R.R.O. 1990, Reg. 761, s. 44 (1).

(2) No operator of a plant shall receive milk or cream delivered to the plant in a tank-truck other than a tank-truck having a tank with an inside lining of stainless steel that is free from rust, open seams and other mechanical defects. R.R.O. 1990, Reg. 761, s. 44 (2).

(3) No transporter shall engage in the purchasing or selling of milk or the trafficking in milk unless so authorized by the marketing board. O. Reg. 348/95, s. 6.

45. (1) No person shall transport cream to a plant in a vehicle,

(a) that is in an unsanitary condition; or

(b) that has been used for a purpose that may cause contamination of cream or containers of cream subsequently transported in the vehicle. R.R.O. 1990, Reg. 761, s. 45 (1).

(2) The driver of a vehicle used to transport cream to a plant shall deliver the cream as promptly as possible. R.R.O. 1990, Reg. 761, s. 45 (2).

(3) The operator of a plant shall accept or refuse to accept cream delivered to the plant within two hours of its arrival at the plant. R.R.O. 1990, Reg. 761, s. 45 (3).
CONTAINERS FOR CREAM

46. (1) No person shall transport cream for manufacture into a milk product except in a container,
(a) that is marked, branded or labelled to identify,
   (i) the owner of the container, and
   (ii) the owner of the contents;
(b) that is free from open seams and other mechanical defects; and
(c) that is used for no other purpose. R.R.O. 1990, Reg. 761, s. 46 (1).
(2) No person other than the owner of the container shall remove or conceal any mark, brand or label on a container. R.R.O. 1990, Reg. 761, s. 46 (2).
(3) No person shall use a container for transporting cream for manufacture into a milk product except,
(a) the owner of the container; and
(b) a producer to whom the container was supplied for transporting cream to the plant of the owner of the container. R.R.O. 1990, Reg. 761, s. 46 (3).
(4) Where the operator of a plant supplies a container to a producer for the purpose of transporting cream to the plant, the producer shall,
(a) not transport cream in the container to any place except the plant; and
(b) when the container is no longer required to transport cream, promptly return the container in good condition to the plant. R.R.O. 1990, Reg. 761, s. 46 (4).
(5) No operator of a plant shall supply or return to a producer a container for the purpose of using it in transporting cream to the plant unless the container has been thoroughly washed and sanitized. R.R.O. 1990, Reg. 761, s. 46 (5).

47. No person shall deliver to a producer skim-milk, buttermilk or whey in a container used for delivering cream to a plant. R.R.O. 1990, Reg. 761, s. 47.

MILK GRADES, TESTS AND PENALTIES

48. (1) Subject to subsection (2), no person other than a bulk tank milk grader shall accept, grade, reject, measure or sample, or supervise the accepting, grading, rejecting, measuring or sampling of milk in a farm bulk tank. R.R.O. 1990, Reg. 761, s. 48 (1).
(2) An apprentice bulk tank milk grader may accept, grade, reject, measure or sample milk while supervised by a bulk tank milk grader. R.R.O. 1990, Reg. 761, s. 48 (2).
49. (1) Milk rejected at a plant or at a farm bulk tank shall be known as “rejected milk”. R.R.O. 1990, Reg. 761, s. 49 (1).
(2) No person shall sell, offer for sale, transport or deliver rejected milk for use as food, or in the preparation of food, for human consumption unless so authorized by the marketing board. O. Reg. 348/95, s. 7.
(3) No person shall remove a rejection tag from a farm bulk tank unless authorized to do so by the marketing board or the Director or until the milk for which the rejection tag was issued has been dumped and the farm bulk tank has been washed and sanitized. O. Reg. 348/95, s. 7.

50. (1) Subject to subsection (2), no person other than a milk and cream grader shall accept, grade, reject, measure or sample, or supervise the accepting, grading, rejecting, measuring or sampling of milk or cream received in a plant. R.R.O. 1990, Reg. 761, s. 50 (1).
(2) An apprentice milk and cream grader may accept, grade, reject, measure or sample milk or cream while supervised by a milk and cream grader. R.R.O. 1990, Reg. 761, s. 50 (2).
(3) The milk and cream grader at a plant shall accept or reject milk delivered by a tank-truck before any of the milk is removed from the tank-truck other than for testing purposes. R.R.O. 1990, Reg. 761, s. 50 (3).

51. (1) The milk and cream grader at a plant or a bulk tank milk grader shall reject milk that,
(a) is not clean;
(b) has an objectionable flavour or odour;
(c) shows evidence of being watery, flaky, stringy, bloody, thick or adulterated;
(d) shows evidence of melted or churned fat floating on the surface of the milk; or
(e) contains any foreign substance. R.R.O. 1990, Reg. 761, s. 51 (1).
(2) The milk and cream grader at a plant shall reject milk that contains an inhibitor when tested by an official method at a laboratory approved by the Director. R.R.O. 1990, Reg. 761, s. 51 (2).
(3) The milk and cream grader at a plant may reject cow’s milk that is delivered to a plant if,
(a) the temperature of the milk is taken with an accurate thermometer upon delivery at the plant; and
(b) the temperature of the milk is found to be higher than 6°C. O. Reg. 35/12, s. 1.

(4) The bulk tank milk grader shall reject cow’s milk if, upon taking the temperature of the milk under clause 37 (1) (b), it is found to be higher than 10°C. O. Reg. 272/12, s. 3.

52. (1) The milk of every producer,
(a) shall be tested for bacterial content by an official method at least once in each month; and
(b) may be tested at any time, by an official method,
   (i) for its freezing point to determine if the milk has an abnormal freezing point as described in subsection (5), and
   (ii) for the presence of an inhibitor. O. Reg. 185/10, s. 2 (1).

(1.1) A test under subsection (1) shall take place at a laboratory approved by the Director. O. Reg. 185/10, s. 2 (1).

(2) The grades for milk, when tested for bacterial content, are,
(a) grade 1, for milk that contains less than 50,000 bacteria in a millilitre of the milk; and
(b) grade 2, for milk that contains 50,000 or more bacteria in a millilitre of the milk. R.R.O. 1990, Reg. 761, s. 52 (2); O. Reg. 392/99, s. 9.

(3) At least once in each month, the milk of every producer shall be tested for somatic cell content by an official method at a laboratory approved by the Director. O. Reg. 139/09, s. 4 (2).

(4) The somatic cell count of milk shall not equal or exceed 400,000 somatic cells per millilitre of milk. O. Reg. 139/09, s. 4 (2); O. Reg. 35/12, s. 2.

(5) A freezing point test reading of –0.506ºC or higher shall be deemed to be an abnormal freezing point. O. Reg. 634/00, s. 3 (2); O. Reg. 185/10, s. 2 (2).

53. (1) Where a producer is aggrieved by the result of any test made under section 52, 54 or 57, or by the finding of a fieldperson under subsection 55 (5), the producer may so notify the Director and the Director shall, without a hearing, consider the matter and decide whether the result or finding should be confirmed, varied or rescinded. O. Reg. 139/09, s. 5.

(2) The Director shall provide written notice of the decision to the following:
   1. The producer.
   2. The director of the Food Inspection Branch of the Ministry of Agriculture, Food and Rural Affairs, or an alternate named by him or her.
   3. The marketing board. O. Reg. 139/09, s. 5.

54. (1) Where milk of a producer is tested under section 52 and found to contain an inhibitor, a fieldperson shall place under detention all milk of the producer. R.R.O. 1990, Reg. 761, s. 54 (1).

(2) If the milk of a producer is placed under detention under subsection (1), a fieldperson shall take and test the necessary samples of milk by an official method in order to determine if the sample contains an inhibitor. O. Reg. 185/10, s. 3.

(3) The results of the testing of a sample under subsection (2) shall be made known to the producer within twenty-four hours of the time the milk was placed under detention. R.R.O. 1990, Reg. 761, s. 54 (3).

(4) Where the testing of a sample under subsection (2) shows that the milk does not contain an inhibitor, the fieldperson shall release the milk from detention. R.R.O. 1990, Reg. 761, s. 54 (4).

(5) Where the testing of a sample under subsection (2) shows the presence of an inhibitor, the fieldperson shall,
   (a) notify the marketing board that the milk from which the sample was taken shall not be marketed;
   (b) take such steps and make such orders as are considered necessary to ensure that such milk is not used for food, or in the preparation of food, for human consumption; and
   (c) maintain the detention, sampling and testing of the milk of the producer until such time as the testing shows that the milk does not contain an inhibitor. R.R.O. 1990, Reg. 761, s. 54 (5); O. Reg. 348/95, s. 9.

(6) Upon receiving notice under clause (5) (a), the milk marketing board shall notify the operator of the tank-truck that the milk from which the sample was taken shall not be marketed. R.R.O. 1990, Reg. 761, s. 54 (6).

55. (1) If, in any three-month period, the milk of a producer tested under section 52 is found to be grade 2 milk in the third month and if there have been at least five such findings previously in the three-month period, the producer is liable to the following penalties with respect to any milk marketed in the third month:
   1. $3 per hectolitre in the case of a first penalty incurred within a 12-month period.
2. $4 per hectolitre in the case of a second penalty incurred within a 12-month period.
3. $5 per hectolitre in the case of a third or subsequent penalty incurred within a 12-month period. O. Reg. 185/10, s. 4 (1).

(1.1) No more than one penalty may be imposed in any given month under subsection (1). O. Reg. 185/10, s. 4 (1).

(2) If, in any four-month period, the milk of a producer tested under section 52 is found to contain a somatic cell count equal to or greater than the amount allowed under subsection 52 (4) in the fourth month and if there have been at least two such findings in the first three months of the period, the producer is liable to the following penalties with respect to any milk marketed in the fourth month:

1. $3 per hectolitre in the case of a first penalty incurred within a 12-month period.
2. $4 per hectolitre in the case of a second penalty incurred within a 12-month period.
3. $5 per hectolitre in the case of a third or subsequent penalty incurred within a 12-month period. O. Reg. 185/10, s. 4 (2).

(2.1) If the monthly test required under section 52 is not taken or the result is missing for one month or two consecutive months, the tests taken in the months immediately preceding and following the missing month or months are considered to be consecutive for purposes of subsections (1) and (2). O. Reg. 108/97, s. 2.

(2.2) Despite subsection (2.1), the missing months are not excluded from the 12-month period referred to in subsections (1) and (2). O. Reg. 108/97, s. 2.

(2.3) For the purpose of subsection (2), the weighted average of the somatic cell content of a producer’s milk tested for somatic cells during the month shall be deemed to be the somatic cell content for the month of the milk from which the samples are taken. O. Reg. 392/99, s. 10 (2).

(3) Where the milk of a producer is tested under section 52 and found to contain an inhibitor, the producer is, in respect of the milk marketed in the same month as the milk that was tested, liable to a penalty of,

(a) $6 per hectolitre where there has been no previous detention of the producer’s milk under subsection 54 (1);
(b) $9 per hectolitre where there has been one previous detention of the producer’s milk under subsection 54 (1); and
(c) $12 per hectolitre where there have been two previous detentions of the producer’s milk under subsection 54 (1),
(d) REVOKED: O. Reg. 7/92, s. 2 (1).

within any twelve-month period. R.R.O. 1990, Reg. 761, s. 55 (3); O. Reg. 7/92, s. 2 (1); O. Reg. 534/92, s. 1.

(3.1) If a truckload of milk cannot be marketed because of the presence of an inhibitor and the milk of a producer with milk in the truckload is tested under section 52 and found to contain an inhibitor, the producer is liable to the marketing board in an amount equal to the value of the milk damaged plus the cost, including transportation costs, of disposing of the milk. O. Reg. 406/96, s. 1 (1).

(3.2) If a truckload of milk cannot be marketed because of the presence of a foreign substance, and the milk of a producer with milk in the truckload is found to contain the foreign substance, the producer is liable to the marketing board in an amount equal to the value of the milk damaged plus the cost, including transportation costs, of disposing of the milk. O. Reg. 634/00, s. 4 (1).

(3.3) If more than one producer is liable under subsection (3.1) or (3.2) in respect of the same truckload, each producer is liable in the same proportion that the producer’s milk has to the volume of the damaged milk. O. Reg. 634/00, s. 4 (1).

(4) Where the milk of a producer is tested under clause 52 (1) (b) and found to have an abnormal freezing point as described in subsection 52 (5), the producer is, in respect of the milk marketed in the same month as the milk that was tested, liable to a penalty of,

(a) $2 per hectolitre in the case of a first penalty;
(b) $4 per hectolitre in the case of a second penalty;
(c) $6 per hectolitre in the case of a third penalty; and
(d) $8 per hectolitre in the case of a fourth or subsequent penalty,

incurred within any twelve-month period. R.R.O. 1990, Reg. 761, s. 55 (4); O. Reg. 634/00, s. 4 (2).

(5) Where a fieldperson finds that the milk of a producer is produced from animals or on premises or with equipment that does not comply with sections 3 to 34.1, or that the producer has not complied with section 34.2, the producer is, in respect of the milk marketed during the month the finding of non-compliance is made, liable to a penalty of,

(a) $2 per hectolitre in the case of a first penalty;
(b) $4 per hectolitre in the case of a second penalty; and
(c) $8 per hectolitre in the case of a third or subsequent penalty, incurred within any twelve-month period. O. Reg. 634/00, s. 4 (3); O. Reg. 17/13, s. 2 (1).

(6) Any penalty to which a producer is liable in any month under subsections (1) to (5) is in addition to any penalty that may be levied under any other of the said subsections. R.R.O. 1990, Reg. 761, s. 55 (6).

(7) Where a producer incurs four penalties under subsection (1) within any twelve-month period,

(a) the Director shall so notify the marketing board and the producer in writing; and

(b) the milk of the producer shall not be marketed until the producer satisfies the Director that no grade 2 milk will be sold or offered for sale. R.R.O. 1990, Reg. 761, s. 55 (7); O. Reg. 771/94, s. 1 (2); O. Reg. 348/95, s. 10 (1).

(7.1) Where a producer incurs four penalties under subsection (2) within any twelve-month period,

(a) the Director shall so notify the marketing board and the producer in writing; and

(b) the milk of the producer shall not be marketed until the producer satisfies the Director that no milk that contains somatic cells in an amount equal or greater than the somatic cell level will be sold or offered for sale. R.R.O. 1990, Reg. 761, s. 55 (8); O. Reg. 7/92, s. 2 (2); O. Reg. 348/95, s. 10 (2); O. Reg. 392/99, s. 10 (4).

(8) Where a producer incurs two penalties under subsection (3) within any twelve-month period,

(a) the Director shall so notify the marketing board and the producer in writing; and

(b) the milk of the producer shall not be marketed until the producer satisfies the Director that no milk that contains any inhibitor. R.R.O. 1990, Reg. 761, s. 55 (9); O. Reg. 348/95, s. 10 (3); O. Reg. 392/99, s. 10 (5).

(9) Where a producer incurs four penalties under subsection (4) within any twelve-month period,

(a) the Director shall so notify the marketing board and the producer in writing; and

(b) the milk of the producer shall not be marketed until the producer satisfies the Director that no milk that contains added or excess water will be sold or offered for sale. R.R.O. 1990, Reg. 761, s. 55 (10); O. Reg. 348/95, s. 10 (4).

(10) Where a producer incurs four penalties under subsection (5) within any twelve-month period,

(a) the Director shall so notify the marketing board and the producer in writing; and

(b) the milk of the producer shall not be marketed until the producer establishes that the milk produced is produced in compliance with sections 3 to 34.2. R.R.O. 1990, Reg. 761, s. 55 (11); O. Reg. 348/95, s. 10 (5); O. Reg. 634/00, s. 4 (4); O. Reg. 17/13, s. 2 (2).

(11) A notice given to a producer under subsection (7), (8), (9) or (10) shall,

(a) notify the producer that the milk shall not be marketed for the reasons set out in the notice; and

(b) give particulars respecting the duration of the rejection. R.R.O. 1990, Reg. 761, s. 55 (11).

(12) If the milk of a producer is rejected under subsection (7), (8), (9) or (10), the producer is also liable to pay the amount that the producer is otherwise liable to pay under subsection (1), (2), (3), (3.1), (4) or (5). O. Reg. 406/96, s. 1 (2).

56. (1) Where a producer becomes liable to a penalty under section 55 in respect of milk marketed in any month,

(a) the Director shall give notice in writing to the producer of the penalty payable and the method of calculation of the penalty;

(b) the producer shall pay the penalty to the marketing board on or before the 15th day of the next month; and

(c) the marketing board shall collect the penalty from the producer. O. Reg. 348/95, s. 11; O. Reg. 185/10, s. 5.

(2) The marketing board shall,

(a) pay the penalties into a fund established for that purpose; and

(b) use the fund for the purpose of paying its expenses, carrying out and enforcing the Act and the regulations and carrying out the purposes of the Ontario Milk and Farm-Separated Cream Plan. O. Reg. 348/95, s. 11.

57. (1) Every sample of milk referred to in section 38 that is to be tested shall be tested for kilograms per hectolitre of milk-fat, milk-protein and other milk solids. O. Reg. 788/91, s. 1.

(2) Every sample shall be tested, no later than seven days after the day the sample is taken, by an infrared milk analyzer at a laboratory approved by the Director. O. Reg. 24/96, s. 1; O. Reg. 302/04, s. 4.

(3) The weighted average of the milk-fat content, milk-protein content and other milk solids content of a representative number of the samples shall be deemed to be the milk-fat content, milk-protein content and other milk solids content of the milk from which the samples are taken. O. Reg. 788/91, s. 1.
58., 58.1 REVOKED: O. Reg. 185/10, s. 6.

58.2 Despite the revocation of sections 58 and 58.1 of this Regulation by section 6 of Ontario Regulation 185/10, the marketing board and the operator of a plant shall continue to pay fees in accordance with those sections with respect to samples of milk taken before June 1, 2010. O. Reg. 185/10, s. 7.

CREAM GRADES AND TESTS

59. The grades for cream are,
(a) Special Grade, consisting of cream that,
   (i) is clean,
   (ii) is without taint in flavour,
   (iii) contains no foreign substance,
   (iv) is not curdy or lumpy,
   (v) is capable of being stirred to a uniform consistency,
   (vi) at the time of grading has a content of lactic acid not exceeding 0.25 per cent of the cream or a pH reading of not less than 6.3, and
   (vii) has a milk-fat content of at least 30 per cent of the cream; and 
(b) First Grade, consisting of cream that is not Special Grade, and that,
   (i) is not curdy or lumpy,
   (ii) is capable of being stirred to a uniform consistency,
   (iii) contains no foreign substance,
   (iv) at the time of grading has a content of lactic acid not exceeding 0.60 per cent of the cream or a pH reading of not less than 5.0,
   (v) has no flavour rendering it unfit for the making of First Grade butter, and
   (vi) has a milk-fat content of at least 23 per cent of the cream. R.R.O. 1990, Reg. 761, s. 59; O. Reg. 641/91, s. 1.

60. Cream rejected at a plant shall be known as “rejected cream”. R.R.O. 1990, Reg. 761, s. 60.

61. (1) The milk and cream grader at a plant shall reject cream delivered to the plant,
(a) that is not Special Grade or First Grade;
(b) by a producer whose cream has been rejected at a plant within a period of 120 days preceding the delivery, unless the cream is at least First Grade; or
(c) in a container that is not,
   (i) an approved container,
   (ii) in good condition,
   (iii) free from defects, and
   (iv) covered by a secure lid. R.R.O. 1990, Reg. 761, s. 61 (1).
(2) Where cream is rejected under subsection (1) or subsection 64 (4), the operator of the plant shall forthwith notify the marketing board and the Director. O. Reg. 348/95, s. 13.

62. A milk and cream grader who rejects cream at a plant shall,
(a) attach to the container in which the cream was delivered a rejection tag bearing the words “rejected cream”;
(b) state on the rejection tag the reason for the rejection;
(c) add to the cream a harmless food colouring; and
(d) as soon as practicable, return the cream to the producer in the container in which it was delivered. R.R.O. 1990, Reg. 761, s. 62.

63. Where a producer delivers cream to a plant and the operator of the plant declines to accept delivery, the operator shall record the date of the refusal, the weight of the cream and, where graded, the grade given to the cream. R.R.O. 1990, Reg. 761, s. 63.

64. (1) No producer whose cream is rejected at a plant shall deliver cream to another plant,
(a) within a period of 120 days after such rejection; and
(b) until the producer has shown to the operator of the plant at which the cream was rejected that the cream is acceptable under this Regulation. R.R.O. 1990, Reg. 761, s. 64 (1).

(2) Clause (1) (a) does not apply to a producer where,
(a) within the period of 120 days the plant at which the cream was rejected ceases to receive cream; or
(b) within the period of 120 days the producer relocates the production facilities to a location served by a plant other than the plant at which the cream was rejected. R.R.O. 1990, Reg. 761, s. 64 (2).

(3) A producer whose cream is rejected at a plant and who within 120 days of the rejection delivers cream to any plant shall notify the operator of the rejection and the cause for the rejection given on the rejection tag. R.R.O. 1990, Reg. 761, s. 64 (3).

(4) The operator of a plant shall reject cream delivered by a producer whose cream was rejected at a plant within the preceding period of 120 days unless the producer has complied with clause (1) (b) and subsection (3). R.R.O. 1990, Reg. 761, s. 64 (4).

65. No person shall buy, sell, offer for sale or ship or transport rejected cream as food, or for the preparation of food, for human consumption. R.R.O. 1990, Reg. 761, s. 65.

66. (1) No person shall remove from its container cream delivered to a plant until the cream has been graded. R.R.O. 1990, Reg. 761, s. 66 (1).

(2) Subsection (1) does not apply to a milk and cream grader who removes cream from its container for the purpose of grading. R.R.O. 1990, Reg. 761, s. 66 (2).

67. A milk and cream grader shall thoroughly mix, grade and weigh to the nearest 500 grams or, if the scales have lower divisions, then to the nearest lowest division but not lower than to the nearest 100 grams, cream delivered by each producer to a plant and,
(a) where the cream in each container is tested separately for milk-fat content, take a sample of at least three times the amount of cream that the cream tester requires to perform the test; or
(b) where the cream of each delivery of two or more containers is tested, take aliquot samples of the cream in each container in such quantities that the samples when together make a total sample of at least 60 millimetres. R.R.O. 1990, Reg. 761, s. 67.

68. Where a fieldperson finds that the milk and cream grader at a plant has not complied with sections 59, 61, 62 and 67, the fieldperson may cause the cream to be graded at the expense of the operator of the plant. R.R.O. 1990, Reg. 761, s. 68.

69. (1) At a plant where the cream is accepted, a cream tester shall,
(a) test each sample of cream for milk-fat content within forty-two hours after the delivery of the cream to the plant; and
(b) maintain each sample of cream at a temperature not lower than 4°C and not higher than 15°C until 2 p.m. on the day following the day on which the test is made, but, where the test is made on a Saturday, the tester shall maintain the sample until 2 p.m. on the following Monday. R.R.O. 1990, Reg. 761, s. 69 (1); O. Reg. 101/95, s. 1 (1).

(2) A fieldperson may require a cream tester to maintain samples of cream for such period of time longer than the time prescribed in subsection (1) as is considered necessary for the purpose of a further test. R.R.O. 1990, Reg. 761, s. 69 (2); O. Reg. 101/95, s. 1 (2).

(3) The cream tester shall make each test for milk-fat content of cream by the Babcock test or another official method. R.R.O. 1990, Reg. 761, s. 69 (3); O. Reg. 101/95, s. 1 (3).

70. For making Babcock tests of cream, the operator of a plant shall provide,
(a) Babcock-test bottles and pipettes that are ineffaceably marked with the outline of a maple leaf and the letters “C.S.”;
(b) one acid measure for measuring sulphuric acid and pouring it into Babcock-test bottles;
(c) a quantity of sulphuric acid having a specific gravity of not less than 1.82 nor more than 1.83 at a temperature of 20°C;
(d) a centrifuge that is,
   (i) in sound mechanical operating condition,
   (ii) capable of being operated at speeds required for tests without appreciable vibration,
   (iii) equipped with a speed indicator or other means of readily determining the speed, and
   (iv) properly mounted;
(e) a means of heating the centrifuge to a temperature of at least 55°C and maintaining the temperature at not less than 55°C during the period of the test;
(f) a set of calipers in sound mechanical operating condition, with a screw-locking device;

(g) a water bath with a means of heating the water to a temperature of at least 55°C and maintaining the temperature at not less than 55°C nor more than 60°C during the period of the test and a thermometer capable of measuring readily the temperature of the water;

(h) cream-weighing scales and 9-gram and 18-gram weights;

(i) a quantity of glymol or mineral oil having a specific gravity of 0.85 at a temperature of 20°C;

(j) containers of at least 60 millilitres capacity with close-fitting tops or stoppers to hold samples of cream of all producers delivering cream to the plant;

(k) equipment for obtaining a sample of cream from each container of the cream received from a producer; and

(l) a tank of sufficient size to be a tempering bath for samples of cream in preparation for a test for milk-fat content of the cream. R.R.O. 1990, Reg. 761, s. 70.

71. No person shall put any foreign substance into a sample of cream, and no person other than the milk and cream grader or the cream tester shall add cream to a sample of cream. R.R.O. 1990, Reg. 761, s. 71; O. Reg. 101/95, s. 2.

72. (1) A fieldperson may test or require a cream tester at a plant to test in the fieldperson’s presence any sample of cream that has been tested for milk-fat content. R.R.O. 1990, Reg. 761, s. 72 (1); O. Reg. 101/95, s. 3.

(2) Where a fieldperson finds that a test for content made by a cream tester is in error, the fieldperson shall report the particulars of the error in writing to the operator of the plant. R.R.O. 1990, Reg. 761, s. 72 (2).

(3) Payment for cream shall be made on the basis of the results of the re-test reported by the fieldperson. R.R.O. 1990, Reg. 761, s. 72 (3).

73. Where samples of cream are tested for milk-fat content by the Babcock test, the operator of a plant shall, on the request of a producer or the producer’s representative,

(a) furnish to the producer a statement of the producer’s cream delivered to the plant; and

(b) re-test the samples in the presence of the producer or the producer’s representative,

before the samples are destroyed. R.R.O. 1990, Reg. 761, s. 73.

74. (1) A container in which a sample of cream is placed shall be plainly labelled or marked with the name of, or a number to identify, the producer who delivered the cream to the plant. R.R.O. 1990, Reg. 761, s. 74 (1).

(2) No person shall put a sample of cream,

(a) in a container that is not labelled; or

(b) in a container other than one bearing the label for the producer who delivered the cream to the plant. R.R.O. 1990, Reg. 761, s. 74 (2).

75. Upon the written request of the Director, the operator of a plant receiving cream shall, on one day each month, prepare an aliquot sample from every pail of each producer’s cream received on that day, place the sample into a container and attach to the container a label supplied by the Director identifying the producer. R.R.O. 1990, Reg. 761, s. 75.

76. The operator shall maintain each container at a temperature not lower than 1°C nor higher than 4°C until it is picked up for transport to a laboratory approved by the Director. R.R.O. 1990, Reg. 761, s. 76.

CONSTRUCTION OF PLANTS

77. (1) The construction or alteration of a building intended for use as a plant shall be made so that,

(a) the floors of all rooms in which milk or milk products are handled, processed or stored are of concrete or other material impervious to liquids and have adequate slope towards a floor drain;

(b) each room in which milk or cream products are processed or stored has a trapped drain capable of draining any liquids from the floor;

(c) each wall in a room in which milk or milk products are handled, processed or stored has a base at least 15 centimetres above the floor level made of concrete or other waterproof material, and the joint between the floor and the base is watertight;

(d) the ceiling of a room in which processing is done is at least three metres above the floor;

(e) the surfaces of the walls and ceilings of all rooms in which milk or milk products are handled, processed or stored are of washable and moisture-proof material;

(f) there is provision for equipping all openings with screens or other approved equipment capable of preventing the entry of flies or other insects and all doors with self-closing devices or equivalent methods of ensuring that flies or other insects do not enter;
(g) rooms where milk and cream are handled or processed contain provision for lighting that is shatterproof or covered with a protective shield, ventilating and heating;

(h) the ceilings in the plant are insulated and sealed against infiltration of dampness or vapour, with free circulation of air between the insulation and the roof;

(i) a washroom does not open directly into a room where milk or milk products are handled or processed and doors are equipped with a self-closing device;

(j) sewage is carried from the building by pipes, each of which contains a trap in an accessible location and connects with a municipal sewer or septic tank;

(k) any heating unit is located in a room that has a concrete floor and that is not used for the handling, processing or storing of milk or milk products;

(l) in the case of,
   (i) a cheese factory, there is a curing room large enough for the operation intended,
   (ii) a creamery, there is a cold storage room of a size large enough to hold at least seven days production of butter, and
   (iii) a building intended for use as a plant for the manufacture of milk products other than butter or cheese, there are storage rooms large enough for the operation intended capable of being equipped with an automatic temperature-control system;

(m) receiving rooms for milk and cream are enclosed and of sufficient size to permit freedom of movement in receiving, grading, sampling and handling of milk and cream and, where applicable, the washing and sanitizing of tank-trucks in accordance with sections 40, 41, 42 and 43 and the washing of containers;

(n) receiving rooms for milk have a pump capable of unloading milk from a tank-truck at a rate of 2.2 hectolitres per minute;

(o) receiving rooms for milk have a door at least 3.7 metres wide and 4.3 metres high; and

(p) rodents and other vermin do not enter or remain on the premises. R.R.O. 1990, Reg. 761, s. 77 (1).

(2) The construction of a building intended for use as a plant or an alteration to increase the incoming milk capacity of such a building shall be made so that,

(a) there is storage sufficient for two-sevenths of the volume of raw milk required weekly at the plant; and

(b) in the case of a plant purchasing milk from the marketing board, there is an enclosed receiving room and an enclosed tank-truck wash station that complies with sections 40, 41, 42 and 43. R.R.O. 1990, Reg. 761, s. 77 (2); O. Reg. 348/95, s. 14.

EQUIPMENT

78. (1) A plant shall be equipped with,

(a) a wash basin in each room where milk or milk products are processed;

(b) a temperature-control system capable of automatically controlling the temperature in each curing-room, cold-storage room or storage room for efficient processing or preserving of milk or milk products therein;

(c) a boiler or other equipment capable of maintaining a supply of hot water or steam sufficient for processing milk and cream, and hot water for cleaning and sterilizing the equipment and rooms used in receiving, handling, processing or storing milk or milk products; and

(d) thermometers of shatter-proof material on equipment used in processing, cleaning or sterilizing milk or milk products, capable of recording the temperature of the milk or milk product. R.R.O. 1990, Reg. 761, s. 78 (1).

(2) A creamery shall be equipped with a pasteurizer having a capacity of at least 13.5 hectolitres and a churn capable of manufacturing at least 450 kilograms of butter at one time. R.R.O. 1990, Reg. 761, s. 78 (2).

(3) Where a plant is equipped with conveyors for moving containers of cream in the receiving room, the conveyors shall be of sufficient length and in such locations that the cream can be readily graded, sampled and weighed and, where cream is rejected, the containers can be moved on a conveyor other than the conveyor used for incoming containers. R.R.O. 1990, Reg. 761, s. 78 (3).

79. (1) Where equipment or containers for handling, processing or storing milk or milk products are of metal, the surfaces likely to come in contact with milk or milk products shall be,

(a) smooth and anti-corrosive;

(b) without open seams;
(c) accessible at all points for scrubbing; and
(d) made with joints that are flush with adjoining surfaces. R.R.O. 1990, Reg. 761, s. 79 (1).

(2) Wooden equipment used in a plant shall be of sound material with smooth surfaces, and joints or seams shall be sealed. R.R.O. 1990, Reg. 761, s. 79 (2).

(3) Tanks used for storing skim-milk, buttermilk or whey that is not intended for human consumption or for processing milk into milk products for human consumption in a plant,
(a) shall be of metal construction;
(b) shall not be located in contact with earth; and
(c) shall not be used for any other purpose. R.R.O. 1990, Reg. 761, s. 79 (3).

PROCESSING

80. (1) The handling, processing or storing of milk, cream or milk products shall be carried on in such a location and in such a manner that no foreign matter can enter the milk, cream or milk product. R.R.O. 1990, Reg. 761, s. 80 (1).

(2) Every person who enters an area of a plant where there is a danger that foreign matter may enter milk, cream or milk products shall wear,
(a) clean clothing without pockets and buttons above the waist and not worn outside the plant; and
(b) appropriate hair and beard coverings. R.R.O. 1990, Reg. 761, s. 80 (2).

(3) Nothing shall be placed in a milk, cream or milk products storage area that may contaminate or deteriorate the milk, cream or milk products stored in that area. R.R.O. 1990, Reg. 761, s. 80 (3).

(4) No plant shall contain odours other than those resulting from the handling, processing or storing of milk, cream or milk products. R.R.O. 1990, Reg. 761, s. 80 (4).

81. (1) Where milk or cream is accepted at a plant and is not used in processing on the day it is received, the milk or cream shall be cooled to a temperature not higher than 5°C and maintained in storage at that temperature until it is used in processing. R.R.O. 1990, Reg. 761, s. 81 (1).

(2) No milk or cream in storage under subsection (1) shall be used in the processing of a milk product where the milk or cream on removal from storage does not comply with the standards required for milk or cream to be accepted at the plant when delivered to it. R.R.O. 1990, Reg. 761, s. 81 (2).

(3) No stale or rancid cream, butter, ice cream or ice milk shall be used in the preparation of ice cream mix or ice milk mix or in the processing of ice cream or ice milk. R.R.O. 1990, Reg. 761, s. 81 (3).

PASTEURIZATION

82. (1) No person shall sell or offer for sale ice cream mix or use ice cream mix in the processing of ice cream, except pasteurized ice cream mix. R.R.O. 1990, Reg. 761, s. 82 (1).

(2) No person shall sell or offer for sale ice milk mix or use ice milk mix in the processing of ice milk, except pasteurized ice milk mix. R.R.O. 1990, Reg. 761, s. 82 (2).

(3) Ice cream mix or ice milk mix shall be pasteurized by heating the mix,
(a) to a temperature of at least 69°C and maintaining that temperature for not less than thirty minutes;
(b) to a temperature of at least 80°C and maintaining that temperature for not less than twenty-five seconds; or
(c) to such other temperature and time combination as may be approved by the Director,
and cooling the mix immediately thereafter to a temperature not higher than 5°C. R.R.O. 1990, Reg. 761, s. 82 (3).

83. (1) No person shall use cream in the manufacture of butter at a plant, except cream pasteurized by heating the cream,
(a) to a temperature of at least 77°C and maintaining that temperature for not less than ten minutes;
(b) in a continuous pasteurizer to a temperature of at least 85°C; or
(c) to such other temperature and time combination as may be approved by the Director,
and cooling the cream immediately thereafter to a temperature not higher than the temperature suitable for churning the cream. R.R.O. 1990, Reg. 761, s. 83 (1).

(2) Where a fieldperson tests butter to determine whether the cream used in its manufacture was properly pasteurized, the fieldperson shall make a phosphatase test. R.R.O. 1990, Reg. 761, s. 83 (2).
(3) Where a phosphatase test is made of a sample of butter and the butter serum retains its colour for at least thirty seconds, the cream used in the manufacture of the butter shall be deemed to have been pasteurized. R.R.O. 1990, Reg. 761, s. 83 (3).

84. Where milk delivered to a cheese factory for the purpose of making cheese is pasteurized, the milk shall be pasteurized by heating it,

(a) to a temperature of at least 62°C and maintaining that temperature for not less than thirty minutes;
(b) to a temperature of at least 72°C and maintaining that temperature for not less than sixteen seconds; or
(c) to such other temperature and time combination as may be approved by the Director,

and cooling the milk immediately thereafter to a temperature not higher than the temperature suitable for setting the milk. R.R.O. 1990, Reg. 761, s. 84.

85. (1) No operator of a plant shall deliver skim-milk or whey to a producer of milk or cream except pasteurized skim-milk or whey. R.R.O. 1990, Reg. 761, s. 85 (1).

(2) Skim-milk and whey shall be pasteurized by heating the skim-milk or whey to a temperature of at least 69°C and maintaining that temperature for a period of not less than thirty minutes or to such other temperature and time combination as may be approved by the Director. R.R.O. 1990, Reg. 761, s. 85 (2).

CLEANING AND SANITIZING

86. (1) Any part of a plant, except raw milk storage tanks but including piping, pumps, containers, tanks and other equipment that is in contact with or likely to be in contact with milk or milk products shall be cleaned and sanitized at least once every twenty-four hours. R.R.O. 1990, Reg. 761, s. 86 (1).

(2) Raw milk storage tanks shall be emptied, cleaned and sanitized at least once every forty-eight hours. R.R.O. 1990, Reg. 761, s. 86 (2).

(3) The floor of each room in a plant in which milk or milk products are handled or processed shall be scrubbed and rinsed with fresh water at least once every twenty-four hours. R.R.O. 1990, Reg. 761, s. 86 (3).

(4) The walls and ceilings of each room in a plant in which milk or milk products are handled, processed or stored and the floor of each room in a plant in which milk or milk products are stored shall be scrubbed and rinsed at such times as may be necessary to remove any noticeable accumulation of soil. R.R.O. 1990, Reg. 761, s. 86 (4).

CERTIFICATES

87. (1) Subject to subsection (2), no person other than the holder of a cream tester’s certificate shall test for milk-fat content or supervise the testing of cream received at a plant. O. Reg. 101/95, s. 4.

(2) The holder of an apprentice cream tester’s certificate may test cream for milk-fat content while supervised by a cream tester. O. Reg. 101/95, s. 4.

88. (1) An application for,

(a) a cream tester’s certificate;
(b) a milk and cream grader’s certificate;
(c) a bulk tank milk grader’s certificate;
(d) an apprentice cream tester’s certificate;
(e) an apprentice milk and cream grader’s certificate; and
(f) an apprentice bulk tank milk grader’s certificate,

shall be made to the Director on a form provided by the Director. R.R.O. 1990, Reg. 761, s. 88 (1); O. Reg. 101/95, s. 5 (1, 2).

(2) The information contained in an application for a certificate mentioned in subsection (1) shall include,

(a) the applicant’s name, address and phone number;
(b) the name and address of the plant or transporter where the applicant is employed;
(c) the present duties of the applicant;
(d) the applicant’s dairy experience;
(e) the name of the dairy school attended by the applicant;
(f) the year attended; and
(g) the signature of the applicant. R.R.O. 1990, Reg. 761, s. 88 (2).
(3) Certificates mentioned in subsection (1) expire three years after they are issued except,
(a) certificates to apprentices expire one month following the next available training course;
(b) bulk tank milk graders’ certificates expire five years after they are issued; and
(c) milk and cream graders’ certificates expire five years after they are issued if they are issued on or after April 1, 2003. O. Reg. 48/02, s. 1.

(4) The fee for a certificate mentioned in clause (1) (a), (b), (c) or (f) is $50. O. Reg. 79/01, s. 1 (2).
(4.1) The fee for a certificate mentioned in clause (1) (d) or (e) is $5. O. Reg. 79/01, s. 1 (2).

(5) Where an applicant for a certificate mentioned in subsection (1) fails to qualify for the issuance of the certificate, the Director shall refund the fee to the applicant. R.R.O. 1990, Reg. 761, s. 88 (5).

89. A certificate mentioned in subsection 88 (1) shall be issued upon the approval of the Director and shall include,
(a) the certificate number;
(b) the name and address of the certificate holder;
(c) the expiry date of the certificate;
(d) the Director’s signature; and
(e) the date of issue. R.R.O. 1990, Reg. 761, s. 89.

90. (1) An applicant for a cream tester’s certificate shall, where the Director considers it advisable, be examined by examiners appointed by the Director,
(a) on the applicant’s ability to sample and test cream; and
(b) on the applicant’s knowledge of,
   (i) the handling, sampling and testing of cream for milk-fat content, milk-protein content and other milk solids content;
   (ii) the principles of grading cream, and
   (iii) the sanitary requirements for plants and the provisions of the Act and the regulations pertaining thereto. R.R.O. 1990, Reg. 761, s. 90 (1); O. Reg. 788/91, s. 2 (1); O. Reg. 101/95, s. 6.

(2) An applicant for a milk and cream grader’s certificate shall, where the Director considers it advisable, be examined by examiners appointed by the Director on the applicant’s knowledge of,
(a) the handling, sampling, grading, rejecting, measuring and weighing of milk and cream;
(b) the principles of testing milk and cream for milk-fat content, milk-protein content and other milk solids content;
(c) tests for accurately determining the amount of bacteria and acid in milk or cream; and
(d) the sanitary requirements for plants and the provisions of the Act and the regulations pertaining thereto. R.R.O. 1990, Reg. 761, s. 90 (2); O. Reg. 788/91, s. 2 (2).

(3) An applicant for a bulk tank milk grader’s certificate shall, where the Director considers it advisable, be examined by examiners appointed by the Director on the applicant’s knowledge of,
(a) the handling, sampling, grading, rejecting and measuring of milk;
(b) the principles of testing milk for milk-fat content, milk-protein content and other milk solids content;
(c) the principles of testing milk for its microbiological, chemical and foreign substances content; and
(d) the principles of sanitation in a milk house, a tank-truck and equipment thereon, a milk receiving room and a tank-truck wash station and the provisions of the Act and the regulations pertaining thereto. R.R.O. 1990, Reg. 761, s. 90 (3); O. Reg. 788/91, s. 2 (3).

91. Where an applicant is found by the examiners to be competent to perform the duties that the certificate applied for qualifies the applicant to perform, the Director shall issue a certificate. R.R.O. 1990, Reg. 761, s. 91.

92. The Director may require a cream tester, a milk and cream grader or a bulk tank milk grader to be re-examined at any time the Director considers necessary. R.R.O. 1990, Reg. 761, s. 92; O. Reg. 101/95, s. 7.

93. A certificate issued under section 89 is issued on the condition that the holder of the certificate,
(a) submits to re-examination from time to time as the Director considers necessary;
(b) conforms to the requirements of the Act and regulations pertaining to the holder’s duties;
(c) where the holder is employed in one plant, conspicuously displays the certificate in the plant in which the holder is usually employed;
(d) where the holder is employed in more than one plant or operates a tank-truck, has the certificate available for production on request; and
(e) does not cease for a period of three years to perform the duties that the certificate qualifies the holder to perform. R.R.O. 1990, Reg. 761, s. 93.

94. The Director may, after a hearing, suspend or revoke a certificate issued under section 89,
(a) where the holder of the certificate fails to comply with the conditions upon which the certificate is issued; or
(b) where the holder of the certificate is found on re-examination to be not competent to perform the duties that the certificate qualifies the holder to perform. R.R.O. 1990, Reg. 761, s. 94.

PLANT LICENCES AND PERMITS

95. (1) A person who wishes to operate a plant shall submit an application to the Director for a licence to operate the plant,
(a) before beginning to operate the plant; and
(b) if the plant is not yet constructed or if alterations are required to the plant, before commencing the construction or alterations. O. Reg. 174/14, s. 2.

(2) A person who holds a licence to operate a plant and who wishes to change any aspect of the licence described in clause 96 (2) (d), (e) or (f) shall submit an application to the Director to change the licence before implementing such a change. O. Reg. 174/14, s. 2.

(3) A person who submits one of the following types of application shall, at the same time, submit an application for a permit referred to in section 109:
1. An application for a licence to operate a plant that is not yet constructed or that requires alterations.
2. An application to change a licence, if the change would require that a plant undergo construction or alterations. O. Reg. 174/14, s. 2.

(4) A person who wishes to renew a licence to operate a plant shall submit an application to the Director at least 60 days before the licence expires. O. Reg. 174/14, s. 2.

(5) An application for a licence shall include the following information:
1. The applicant’s name, address, phone number and other relevant contact information.
2. The location or proposed location of the plant.
3. The type of plant for which the licence is sought and, in the case of a processing plant, the kinds of processing activities to be carried out at the plant.
4. A list of the milk products to be processed at the plant.
5. The species of animal that will produce the milk to be processed at the plant.
6. An estimate of the volume of milk to be processed at the plant.
7. The source of milk to be processed at the plant.
8. The signature of the applicant, or of the signing officer, as appropriate. O. Reg. 174/14, s. 2.

(6) An application made under this section shall be in a form provided by the Director. O. Reg. 174/14, s. 2.

96. (1) Subject to section 99.3, the Director shall issue a licence to operate a plant to a person who applies in accordance with section 95 unless the Director determines that the licence should be refused under section 100. O. Reg. 174/14, s. 2.

(2) The licence shall set out,
(a) the licence number;
(b) the licensee’s name, address, phone number and other relevant contact information;
(c) the name and address of the plant;
(d) the species of animal that will produce the milk to be processed at the plant;
(e) the type of plant approved for operation and, in the case of a processing plant, the kinds of processing activities approved to be carried out at the plant;
(f) in the case of a processing plant that will process cow’s milk, the classes or sub-classes of milk established under section 11 of Regulation 753 of the Revised Regulations of Ontario, 1990 (Grades, Standards, Designations, Classes, Packing and Marking) made under the *Milk Act* that may be processed at the plant;

(g) the effective date and expiry date of the licence; and

(h) the Director’s signature. O. Reg. 174/14, s. 2.

(3) A licence to operate a plant is effective on the date set out in the licence and expires on the earlier of,

(a) the date set out in the licence; and

(b) the day that is three years after the effective date. O. Reg. 174/14, s. 2.

(4) The fee for a licence to operate a plant is an amount equal to $150 for each one-year period the licence is effective, subject to subsection (5). O. Reg. 174/14, s. 2.

(5) If the licence to operate a plant expires on a day other than the anniversary of the licence’s effective date, the Director may prorate the licence fee that is payable for the period from the effective date, or the last anniversary of the licence’s effective date, until the expiry date. O. Reg. 174/14, s. 2.

97. REVOKED: O. Reg. 174/14, s. 2.

98. No person shall operate a plant except in accordance with a licence from the Director. R.R.O. 1990, Reg. 761, s. 98.

99. (1) A licence to operate a plant is subject to the following conditions:

1. The licence holder shall ensure that the only milk processed at the plant is milk produced by the species specified in the licence.

2. The licence holder shall ensure that the plant being operated is the type of plant specified in the licence and, in the case of a processing plant, that the plant carries out only the kinds of processing activities specified in the licence.

3. In the case of a licence to operate a plant that processes cow’s milk, the licence holder shall ensure that the only milk products processed at the plant are within the classes or subclasses of milk specified in the licence.

4. The licence holder shall not permit an employee to work in the plant while the employee has a communicable disease.

5. The licence holder shall ensure that every employee working in the plant wears outer clothing that is clean and light in colour.

6. The licence holder shall ensure that any person who grades milk received at the plant is the holder of a certificate for that purpose issued under section 89.

7. The licence holder shall carry on business in accordance with the law, with honesty and integrity and with regard to the public interest.

8. The licence holder shall observe, perform and carry out the provisions of the Act, the regulations, all plans, agreements and awards and all orders of the Commission, the Director and the marketing board. O. Reg. 174/14, s. 3.

(2) A licence to operate a plant is not transferable. O. Reg. 174/14, s. 3.

99.1 The Director may impose conditions on a licence to operate a plant in addition to those set out in section 99. O. Reg. 174/14, s. 3.

99.2 The Director may, after a hearing, suspend or revoke a licence issued under section 96 if the licence holder fails to comply with any condition of the licence. O. Reg. 174/14, s. 3.

99.3 (1) If the Director receives an application under section 95 in respect of a licence to operate a plant at which cow’s milk is to be processed, the Director shall not issue the licence unless he or she first complies with the process described in this section. O. Reg. 174/14, s. 3.

(2) This section does not apply in respect of an application for a licence in the following circumstances:

1. The application is for a renewal of a licence to operate a plant.

2. The application is in respect of changes to a licence but the proposed changes would not change the classes or subclasses of milk specified in the licence. O. Reg. 174/14, s. 3.

(3) The Director shall notify the following persons and entities of the application:

1. The Canadian Food Inspection Agency.

2. The Dairy Farmers of Ontario.

3. The Ontario Dairy Council.

4. The Ontario Farm Products Marketing Commission.

5. Any person or entity that holds a licence as a producer, processor or distributor issued under the Act if,
i. the person or entity informs the Director in writing that the person or entity wishes to receive notice under this section, and

ii. in the opinion of the Director, the person or entity would be affected by the granting of the licence.

6. Any other person that the Director believes may have information that should be considered before determining whether to issue the licence. O. Reg. 174/14, s. 3.

(4) A notice given under subsection (3) shall include the following information:

1. The name of the applicant.
2. The location or proposed location of the plant.
3. The type or types of plant for which the licence is sought and, in the case of a processing plant, the kinds of processing activities to be carried out at the plant.
4. The fact that the recipient is entitled to provide comments or information in respect of the application in accordance with clause (5) (a), to request a meeting under clause (5) (b) or to request further information under clause (5) (c).
5. Any other relevant information that may reasonably be required to allow the recipients to comment on the application. O. Reg. 174/14, s. 3.

(5) Within 30 days after the date the notice is sent, or within such shorter period of time as may be specified in the notice, the recipient may,

(a) provide the Director with written comments or information relating to the issuing of the licence;
(b) if the recipient believes that the licence should not be issued, request that the Director hold a meeting relating to the issuing of the licence; and
(c) request that the Director provide further information about the application. O. Reg. 174/14, s. 3.

(6) If the Director receives a request for a meeting under clause (5) (b), he or she shall set a time and place for a meeting and invite the following participants to the meeting in order to discuss whether the licence to operate a plant should be issued or refused:

1. The applicant.
2. The entities and persons who provided comments or information to the Director under clause (5) (a).
3. Any other person the Director believes may have information that should be considered before determining whether to issue the licence. O. Reg. 174/14, s. 3.

(7) Even if the Director does not receive a request for a meeting under clause (5) (b), the Director may set a time and place for a meeting and invite the participants listed in subsection (6) to the meeting in order to discuss whether the licence to operate a plant should be issued or refused. O. Reg. 174/14, s. 3.

(8) If the Director receives a request for further information under clause (5) (c), the Director may provide further information in accordance with the request. O. Reg. 174/14, s. 3.

(9) The Director shall not determine whether to issue or refuse a licence until the time permitted under subsection (5) to provide comments or information or request a meeting has elapsed. O. Reg. 174/14, s. 3.

(10) The Director shall consider any comments or information he or she receives under clause (5) (a) or at a meeting held under subsection (6) or (7) in determining whether to issue a licence or refuse it under section 100. O. Reg. 174/14, s. 3.

100. (1) The Director may refuse to issue or renew a licence for the operation of a plant,

(a) where the applicant is not qualified by experience, personnel or equipment to properly engage in the business for which the application was made;
(b) REVOKED: O. Reg. 268/99, s. 1 (1).
(c) where the applicant fails to observe, perform or carry out the requirements of the Act, the regulations, a plan, an agreement or an award, or an order of the Commission, the Director or the marketing board;
(d) where, in the opinion of the Director, any material representation or information made or provided by or on behalf of the applicant is false or misleading;
(e) REVOKED: O. Reg. 268/99, s. 1 (2).
(f) where the applicant does not comply with the Health Protection and Promotion Act and the regulations thereunder;
(g) where, in the opinion of the Director, the issuance or renewal of the licence is not in the public interest having regard to the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors;
(h) where, in the opinion of the Director, the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business will not be carried on in accordance with law or with honesty and integrity;

(i) where the applicant or, where the applicant is a corporation, any officer, director or servant thereof, or any person who is or will be in any way associated with the applicant in the operation of the business, has contravened or has permitted any person under their control or direction in connection with the business to contravene any provision of the Act or the regulations or of any other Act or the regulations thereunder or of any law of any jurisdiction applying to the carrying on of business and, in the opinion of the Director, such contravention warrants the refusal to issue or renew the licence;

(j) REVOKED: O. Reg. 174/14, s. 4 (2).

(k) where the Director is of the opinion that the plant is not necessary or desirable having regard to,

(i) the needs of the producers in the locality in which the plant is located,

(ii) the impacts on the facilities of other plants in operation,

(iii) the interests of consumers who would be served by the plant,

(iv) the conditions and policies governing both the milk supply in Ontario and the allocation of milk to Ontario plants,

(v) the socio-economic impacts resulting from a decision to grant a licence, including direct and indirect economic activity, both in the locality in which the plant is located and in other parts of Ontario. R.R.O. 1990, Reg. 761, s. 100; O. Reg. 348/95, s. 15; O. Reg. 268/99, s. 1; O. Reg. 174/14, s. 4 (1-3).

(2) Before the Director refuses to issue or renew a licence, he or she shall,

(a) give the applicant notice that he or she may request a hearing before the Director; and

(b) if a request for a hearing is made, hold a hearing. O. Reg. 174/14, s. 4 (4).

101. REVOKED: O. Reg. 174/14, s. 5.

102. Where, after a hearing, the Director has determined that a licensee or former licensee has contravened any condition of a licence or any provision of the Act, the regulations, a plan or any order or direction of the Commission, the Director may impose a penalty on the person. R.R.O. 1990, Reg. 761, s. 102.

103. (1) The Director may require that a person engaged in the operation of a plant furnish a performance bond in an amount that does not exceed 10 per cent of the price payable to the marketing board and producers for milk and cream processed during the immediately preceding 12 months in the plant. O. Reg. 348/95, s. 16.

(2) The Director may determine that a performance bond is forfeited where, after a hearing, the Director has determined that the plant operator who obtained the bond has contravened any condition of a licence or a provision of the Act, the regulations, a plan or an order or direction of the Commission. R.R.O. 1990, Reg. 761, s. 103 (2).

104., 105. REVOKED: O. Reg. 268/99, s. 2.

106. Every person who operates more than one plant is required to be the holder of a licence in respect of each plant and shall be deemed to be a separate operator in respect of each such plant. R.R.O. 1990, Reg. 761, s. 106.

107. REVOKED: O. Reg. 174/14, s. 5.

108. Where the holder of a licence to operate a plant ceases to carry on the business for which the holder is licensed, the holder shall forthwith surrender the licence to the Director. R.R.O. 1990, Reg. 761, s. 108.

109. (1) A person who holds a licence to operate a plant and who wishes to construct or alter a building intended for use as a plant or wishes to make alterations to an existing plant shall submit an application to the Director for a permit to construct or alter the building or plant before commencing the construction or alterations. O. Reg. 174/14, s. 6.

(2) The application for the permit shall include all the information required under subsection 95 (5) and two copies of drawings and specifications of the proposed construction or alteration, one copy to be retained by the Director and the second copy to be returned to the applicant. O. Reg. 174/14, s. 6.

(3) An application for a permit shall be in a form provided by the Director. O. Reg. 174/14, s. 6.

(4) A permit to construct or alter a building intended for use as a plant or to alter an existing plant is issued subject to the condition that,

(a) the plant is located on land that is well drained and readily accessible;

(b) the building being constructed or altered or the plant being altered has a supply of clean, fresh water, and has facilities for disposal of sewage sufficient for the purposes of the operation of the plant as constructed or altered;

(c) the construction or alteration of the building or alteration of the plant is carried out in accordance with the drawings and specifications submitted with the application; and
(d) the applicant has complied with the municipal by-laws and the Acts and regulations applicable to the construction or alteration being made. O. Reg. 174/14, s. 6.

110. **REVOKED: O. Reg. 268/99, s. 4.**

111., 112. **REVOKED: O. Reg. 473/00, s. 1.**

**DISTRIBUTORS’ LICENCES**

112. (1) A person who carries on business as a distributor is exempt from subsection 15 (2) of the Act with respect to the distribution of unhomogenized milk with a minimum butterfat content of 3.8 per cent that is sold or processed for sale to a consumer in a container of 20 litres or more containing no internal gradations. O. Reg. 473/00, s. 2.

(2) In subsection (1),

“consumer” means an individual who is acting other than in the course of carrying on business. O. Reg. 473/00, s. 2.

113. The following classes of distributors are designated:

1. Shopkeeper-distributor.  
2. Non-shopkeeper-distributor. O. Reg. 100/95, s. 6.

113.1 (1) A person who carries on business as a shopkeeper-distributor shall be deemed to hold a licence as a shopkeeper-distributor as long as the person complies with all applicable provisions of the Act, the regulations and the orders of the Director. O. Reg. 100/95, s. 6.

(2) A licence as a shopkeeper-distributor expires if the holder of the licence ceases to carry on business as a shopkeeper-distributor. O. Reg. 100/95, s. 6.

(3) A licence as a shopkeeper-distributor only permits the selling or distribution of fluid milk products on the shop premises operated by the holder of the licence. O. Reg. 473/00, s. 3.

114. (1) An application for the issue, renewal or amendment of a licence to carry on business as a non-shopkeeper-distributor shall be made to the Director and may be on the form provided by the Director. R.R.O. 1990, Reg. 761, s. 114 (1); O. Reg. 100/95, s. 7 (1).

(2) An application for renewal of a licence to carry on business as a non-shopkeeper-distributor shall be filed with the Director at least sixty days prior to the expiry of the licence. R.R.O. 1990, Reg. 761, s. 114 (2); O. Reg. 100/95, s. 7 (2).

(3) **REVOKED: O. Reg. 100/95, s. 7 (3).**

(4) Subject to the approval of the Director, a licence as a non-shopkeeper-distributor shall be issued to the applicant and shall include,

(a) the licence number;
(b) the type of licence issued;
(c) **REVOKED: O. Reg. 473/00, s. 4 (1).**
(d) the name and address of the licensee;
(e) a description of each location at which the distributor carries on business as a non-shopkeeper-distributor;
(f) the effective date of the licence;
(g) the expiry date of the licence; and
(h) the Director’s signature. R.R.O. 1990, Reg. 761, s. 114 (4); O. Reg. 100/95, s. 7 (4-6); O. Reg. 473/00, s. 4 (1, 2).

(4.1) The Director shall amend a licence as a non-shopkeeper-distributor to reflect all changes in the description of the locations at which the distributor carries on business as a non-shopkeeper-distributor, of which the distributor notifies the Director. O. Reg. 100/95, s. 7 (7); O. Reg. 473/00, s. 4 (3).

(5) A licence to carry on business as a non-shopkeeper-distributor expires three years after the effective date of the licence or upon such earlier date as is fixed by the Director. O. Reg. 473/00, s. 4 (4).

(6) Subject to subsection (7), the fee for a licence as a non-shopkeeper-distributor is,

(a) $150 per year;
(b) $60 per year for each location, in excess of one, at which the distributor carries on business as a non-shopkeeper-distributor; and
(c) $25 per year for each delivery vehicle, in excess of five, with which the distributor carries on business as a non-shopkeeper-distributor, up to a maximum of $125 per year. O. Reg. 100/95, s. 7 (8); O. Reg. 473/00, s. 4 (5, 6).

(7) If a licence as a non-shopkeeper-distributor expires on a day other than an anniversary of its effective date, the Director may prorate the licence fee payable for that part of the year from the last anniversary to the expiry. O. Reg. 100/95, s. 7 (8).
114.1 A non-shopkeeper-distributor shall only hold one licence in respect of all locations at which the distributor carries on business as a non-shopkeeper-distributor. O. Reg. 473/00, s. 5.

115. REVOKED: O. Reg. 473/00, s. 6.

116. The Director may, after a hearing, refuse to issue a licence to or renew or amend the licence of a non-shopkeeper-distributor,

(a) where the applicant is not qualified by experience, personnel or equipment to properly engage in the business for which the application was made;

(b) REVOKED: O. Reg. 100/95, s. 10 (2).

(c) where the applicant fails to observe, perform or carry out the requirements of the Act, the regulations, a plan, an agreement or an award, or an order of the Commission, the Director or the marketing board;

(d) where, in the opinion of the Director, the area in which the applicant intends to deliver, sell or distribute fluid milk products is already adequately served;

(e) where, in the opinion of the Director, regular service of fluid milk products to consumers in the area in which the applicant intends to deliver, sell or distribute fluid milk products should be provided or continued, and the applicant will not provide or continue such service;

(e.1) where, in the opinion of the Director, the applicant will not distribute a full range of fluid milk products in relation to the needs of customers in the area in which the applicant intends to deliver, sell or distribute fluid milk products;

(e.2) where, in the opinion of the Director, the applicant will not make adequate provision for the segregation of fluid milk products and milk products from other products carried by the applicant’s delivery vehicles;

(f) where, in the opinion of the Director, the existing relationship between producers and distributors in the area in which the applicant intends to deliver, sell or distribute fluid milk products should be continued;

(g) where, in the opinion of the Director, any material representation or information made or provided by or on behalf of the applicant is false or misleading;

(h) where the applicant does not comply with the Health Protection and Promotion Act and the regulations thereunder;

(i) where, in the opinion of the Director, the issuance or renewal of the licence is not in the public interest having regard to the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors;

(j) where, in the opinion of the Director, the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business will not be carried on in accordance with law and with honesty and integrity;

(k) where the applicant or, where the applicant is a corporation, any officer, director or employee thereof, or any person who is or will be in any way associated with the applicant in the operation of the business, has contravened or has permitted any person under their control or direction in connection with the business to contravene any provision of the Act or the regulations or of any other Act or the regulations thereunder or of any law of any jurisdiction applying to the carrying on of the business and, in the opinion of the Director, such contravention warrants the refusal to issue or renew the licence;

(l) where the applicant has already been issued the licence applied for. R.R.O. 1990, Reg. 761, s. 116; O. Reg. 100/95, s. 10; O. Reg. 348/95, s. 21; O. Reg. 473/00, s. 7.

116.1 A licence as a distributor is non-transferable. O. Reg. 100/95, s. 11.

117. Subject to section 122, the Director may impose such conditions upon a licence as the Director considers proper. R.R.O. 1990, Reg. 761, s. 117.

118. Where, after a hearing, the Director has determined that a licensee or former licensee has contravened any condition of a licence or a provision of the Act, the regulations, a plan or an order or direction of the Commission, the Director may impose a penalty on the person. R.R.O. 1990, Reg. 761, s. 118.

119. (1) The Director may require that a distributor furnish a performance bond in an amount that does not exceed 10 per cent of the price payable to the marketing board and producers for milk and cream marketed during the immediately preceding 12 months by the distributor. O. Reg. 348/95, s. 22.

(2) The Director may determine that a performance bond is forfeited where, after a hearing, the Director has determined that the distributor who obtained the bond has contravened any condition of a licence or any provision of the Act, the regulations, a plan or any order or direction of the Commission. R.R.O. 1990, Reg. 761, s. 119 (2).

120. The proceeds of a penalty imposed under section 102 or 118 or of a performance bond forfeited under subsection 103 (2) or 119 (2) shall be paid to the Minister of Finance. R.R.O. 1990, Reg. 761, s. 120.
121. (1) The penalty imposed by the Director for,
(a) a first offence shall not exceed 2 per cent;
(b) a second offence shall not exceed 5 per cent; and
(c) a third or subsequent offence shall not exceed 10 per cent,
of the price payable to the producers for the regulated product marketed or processed during the immediately preceding twelve-month period by the person being penalized. R.R.O. 1990, Reg. 761, s. 121 (1).

(2) Within the range set out in subsection (1), the Director shall consider a contravention that,
(a) harms or has the potential to harm the health of any person;
(b) endangers the safety of any person; or
(c) results in a significant economic benefit to the contravenor,
as warranting a penalty at or near the maximum set out and the seriousness of the harm, danger or benefit, as the case may be, shall be a factor to be considered. R.R.O. 1990, Reg. 761, s. 121 (2).

(3) If a contravention that was caused by wilful neglect by the person penalized causes harm to the health of any person, the penalty imposed may be the maximum provided in the Act despite subsection (1). R.R.O. 1990, Reg. 761, s. 121 (3).

(4) If a contravention is of an administrative nature that does not have the potential to cause harm to the health of any person, the penalty shall not be the maximum set out in subsection (1). R.R.O. 1990, Reg. 761, s. 121 (4).

122. (1) A licence as a non-shopkeeper-distributor is issued on the condition that,
(a) the holder of the licence observes, performs and carries out the provisions of the Act, the regulations, all plans, agreements and awards, and all orders of the Commission, the Director and the marketing board;
(b) where so required by the Director, the holder of the licence provides or continues regular delivery service of fluid milk products to consumers in the area in which the applicant delivers, sells or distributes fluid milk products;
(c) the holder of the licence complies with the Health Protection and Promotion Act and the regulations thereunder;
(d) the holder of the licence notifies the Director in writing of all changes in the description of the locations at which the holder carries on business as a non-shopkeeper-distributor;
(e) the holder of the licence informs the Director in writing of the name of every distributor that supplies fluid milk products to the holder;
(f) the holder of the licence distributes a full range of fluid milk products in relation to the needs of customers in the area in which the applicant delivers, sells or distributes fluid milk products;
(g) the holder of the licence segregates fluid milk products and milk products from other products carried by the licence holder’s delivery vehicles;
(h) the holder of the licence or, where the holder of the licence is a corporation, every officer, director or employee thereof, does not contravene nor permit any person under their control or direction to contravene any provision of the Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the carrying on of such business, or the conditions for licensing; or
(i) the holder of the licence carries on the business in accordance with law and with honesty and integrity and with regard to the public interest. R.R.O. 1990, Reg. 761, s. 122 (1); O. Reg. 100/95, s. 12 (1-3); O. Reg. 348/95, s. 23; O. Reg. 291/98, s. 2; O. Reg. 473/00, s. 8.

(2) REVOKED: O. Reg. 100/95, s. 12 (4).

122.1 After a hearing, the Director may suspend or revoke a licence as a distributor for any failure by the distributor to comply with the conditions that apply to the licence. O. Reg. 100/95, s. 13.

123. No person shall supply for resale fluid milk products to, or pasteurize milk for, any other person who is,
(a) not the holder of a licence under this Regulation; or
(b) not exempt from the Act or this Regulation. R.R.O. 1990, Reg. 761, s. 123.

124. No person shall obtain fluid milk products for resale or distribution from any person who is not a holder of a licence as a distributor under the Act. O. Reg. 473/00, s. 9.

125. A licensed non-shopkeeper-distributor who ceases to carry on business as a non-shopkeeper-distributor shall promptly surrender the licence to the Director. O. Reg. 100/95, s. 15.

RECORDS

126. An operator of a plant shall keep for twelve months complete records of all milk bought and the records shall include,
(a) the volumes of all milk received daily;
(b) the milk-fat, milk-protein and other milk solids tests of all milk received; and
(c) the original entries of the volumes of milk bought and the milk-fat, milk-protein and other milk solids tests of the milk.

R.R.O. 1990, Reg. 761, s. 126; O. Reg. 788/91, s. 3.

127. (1) An operator of a plant shall keep for at least twelve months completed monthly records of milk utilization for audit purposes and the records shall include,

(a) the number of litres sold in bulk and the number of units of each package size of fluid milk products and other units of fluid milk products sold by wholesale and at retail each day by each driver-salesman of a delivery vehicle and the proceeds of sales by retail and wholesale;
(b) the number of units of each package size of fluid milk products and other units of fluid milk products sold each day at the plant and the proceeds of the sales;
(c) the number of units of each package size of fluid milk products sold each day to distributors;
(d) the total amount of all fluid milk products sold for each payment period by a distributor, including the total number of units of each package size sold and the selling price of the fluid milk products;

where cheese is manufactured, individual vat records giving date of manufacture, vat number, type of cheese made, disposition of the cheese, volume of milk in the vat, volume of skim-milk added or weight of skim-milk powder added, weight of milk-fat removed, weight of milk-fat in the vat and weight of cheese made; and

(f) where other milk products are processed, records giving date of manufacture, type of product made, ingredients, volume of milk, partly-skimmed milk, skim-milk and cream used and weight of milk-fat used. R.R.O. 1990, Reg. 761, s. 127 (1).

(2) A distributor who operates a wholesale warehouse from which grocery products are distributed and who is engaged in the buying of sterilized fluid milk products, other than cream, table cream and whipping cream, and selling or distributing such products to shopkeeper-distributors, shall keep, for at least 12 months, complete records on a monthly basis of,

(a) all purchases of sterilized fluid milk products; and
(b) all sales of sterilized fluid milk products, which records shall identify the sales of such products in each territorial district except the territorial districts of Muskoka and Parry Sound. R.R.O. 1990, Reg. 761, s. 127 (2); O. Reg. 100/95, s. 16.

128. (1) REVOKED: O. Reg. 268/99, s. 5 (1).

(2) Every distributor who obtains fluid milk products from any other distributor and whose delivery, sale or distribution of fluid milk products is governed by an agreement in writing or otherwise with such other distributor shall furnish to the Director a copy of any agreement in writing or the provisions of any agreement not in writing, as the case may be. R.R.O. 1990, Reg. 761, s. 128 (2).

(3) Every operator of a plant, distributor, producer and transporter shall furnish to the Commission or Director the information or returns that the Commission or Director from time to time determines. O. Reg. 268/99, s. 5 (2).

(4) REVOKED: O. Reg. 268/99, s. 5 (2).

129. (1) The operator of every plant shall keep a record of,

(a) all cream or goat’s milk received at the plant, showing the date received and the name of the producer and the number, if any, used for identification of the producer;
(b) the rejection of cream or goat’s milk and the cause for rejection;
(c) the weights and grades of all cream or goat’s milk accepted at the plant for processing into milk products; and
(d) the results of all tests made at the plant under this Regulation. R.R.O. 1990, Reg. 761, s. 129 (1).

(2) Where a milk and cream grader or cream tester, as the case may be, measures, weighs, grades or tests cream or goat’s milk, the grader or tester shall immediately make an accurate record of the volume, weight, grade or test, as the case may be, in ink or indelible lead. R.R.O. 1990, Reg. 761, s. 129 (2); O. Reg. 101/95, s. 8.

(3) The operator of a plant shall keep a record of the full name and address of each producer who ships cream or goat’s milk to the plant. R.R.O. 1990, Reg. 761, s. 129 (3).

(4) The operator of a plant shall keep for at least one year all records of weights, grades and tests of cream and goat’s milk made at the plant. R.R.O. 1990, Reg. 761, s. 129 (4).

130. REVOKED: O. Reg. 268/99, s. 6.

131. (1) No person shall falsify any records or statements, or make any incorrect determination that may affect the price paid for cream or goat’s milk at a plant. R.R.O. 1990, Reg. 761, s. 131 (1).
(2) Where any record or statement in respect of the price paid for cream or goat’s milk at a plant is changed, the persons responsible for the change shall write their initials in ink or indelible lead at the place in the record or statement where the change was made. R.R.O. 1990, Reg. 761, s. 131 (2).

SCHEDULE REVOKED: O. Reg. 100/95, s. 17.