

ORDER 2011-01
AN ORDER DEFINING THE BULK MILK PICKUP PROCESS UNDER THE
DAIRY FARMERS OF NEW BRUNSWICK
(the "**BULK MILK PICKUP ORDER**")

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

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

NOW THEREFORE BE IT ENACTED pursuant to

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

DAIRY FARMERS OF NEW BRUNSWICK (hereinafter called the "Board") in its exercise of its Federal and Provincial powers, where applicable, in whole or in part, concurrently and in combination hereby repeals Order 2009-05 – Bulk Milk Pickup Order and replaces it with:

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BULK MILK PICKUP ORDER

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

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

2) **TRANSPORTATION**

- a) The Board will enter into agreements with all Transporters for purpose of providing the required services to pickup milk from the Producer and deliver it to the processors.
- b) The Board will develop a universal transportation formula to provide for fair compensation to Transporters for services rendered.
- c) The Board will direct milk to processors
- d) Producers will pool the transportation costs on a per hectolitre basis.

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3) REGULAR PICKUPS

- a) A Producer must have a farm site driveway that meets the minimum requirements as established by the Board from time to time for the Board to pickup his milk.
- b) A Producer must permit the Transporter to pick up or collect all milk in the Producer's storage tank or tanks at one stop on a regular basis unless otherwise directed by the Board.
- c) A Producer must ensure that the volume in his bulk tank or tanks at the time of regular pickups meets the following requirements for the Board to give direction to the Transporter to pickup the milk.
 - i) There is sufficient milk in the Producer's tank or tanks after one milking of the Producer's herd to make contact with the mechanical agitator that is installed in the said tank or tanks.
 - ii) There is sufficient milk at the time of the regular pickup of milk in the Producer's tank or tanks to be measured on the dipstick installed on the said tank or tanks.
 - iii) There is not more than two and one half days' milk in the Producer's tank or tanks following an interruption in regular pickups pursuant to **Section 5 - Obligations to Maintain Quota of the Daily Quota Order.**
- d) A Producer installing a bulk tank or bulk tank outlet valve must give notice to the Board of the change and ensure that the change meets the following requirements:
 - i) new tanks of 1000 US gallons or more to have a butterfly type valve with a minimum tank and valve outlet diameter of 3 inches,
 - ii) new tanks of less than 1000 US gallons to have a butterfly type valve with a minimum tank and valve outlet diameter of 2 inches
 - iii) used tanks of any size to have a butterfly type valve with a minimum outlet diameter of 2 inches (no minimum tank outlet size)
 - iv) any valve being replaced on existing tanks must be replaced with a butterfly type with a minimum outlet diameter of 2 inches. (no minimum tank outlet size)
 - v) any valve must be securely attached to the farm bulk tank.
- e) A Producer must hold the required amount of Daily Quota of which 1 of those kilos must be Saleable Daily Quota as set out in Section 5 of the Daily Quota Order to initiate the process of regular pickups.
 - i) A producer who holds less than the required amount of Daily Quota of which 1 of those kilos must be Saleable Daily Quota as set out in Section 5 of the Daily Quota Order has one month to comply after which the Board will cease regular pickups of said producer pursuant to **Section 5 - Obligations to Maintain Quota of the Daily Quota Order.**
- f) The Board may cease picking up a Producer's milk in the event the volume being produced and shipped exceeds his Monthly Quota and Maximum Credits.

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4) ADDITIONAL PICKUPS

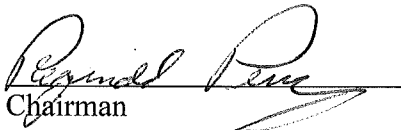
In the event a Producer requests an Additional Pickup outside of the Regular Pickup and the Board is able to direct a Transporter to pickup the Producer's milk as part of another regular bulk milk route, the Producer shall be charged an additional \$2.00 per hectolitre above the regular monthly Transportation service charge applicable on the milk picked up. The Board establishes a limit of 45 such requests in any two consecutive calendar years.

5) REJECTED MILK PICKUP

- a) A Transporter shall not pick up a producer's milk in the event that said milk contravenes standards pursuant to Milk Quality Regulation 2010-19 Sections 28(1) and 28(2)
 - i) A producer whose milk has been rejected is permitted to request a special pickup at the special pickup rate with the purpose of having an industrial plant determine its ability to process the milk. In the event that the industrial plant also rejects the milk, the producer would be responsible for the actual costs of the special pickup and any disposal costs.

- b) In the event a Producer does not comply with the conditions set out in **Section 3 hereof**, the Board shall suspend that Producer from shipping milk until such time as the Producer complies with the requirements of that section.

This Order takes effect March 1, 2011


Chairman


Secretary/Manager