

**ORDER 2018-01**  
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

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

**DAIRY FARMERS OF NEW BRUNSWICK** (hereinafter called the "Board") in its exercise of its Federal and Provincial powers, where applicable, in whole or in part, concurrently and in combination hereby repeals Order 2017-05 – 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 pick up 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 pick up 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. In cases where a Producer's production during a 48 hour period exceeds the legal holding capacity of a bulk milk tri-axle trailer, the 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 daily 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 pick up 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 and the New Brunswick Farm Products Commission of the change and comply with the following requirements:
  - i) A new tank of 1000 US gallons or more shall have a minimum 3 inch diameter tank outlet and be fitted with a 3 inch diameter butterfly type valve.
  - ii) A new tank of less than 1000 US gallons shall have a minimum 2 inch diameter tank outlet and be fitted with a 2 inch diameter butterfly type valve.
  - iii) A used tank of any capacity shall have a tank outlet diameter of 2 inches or 3 inches and be fitted with a butterfly type valve matching the diameter of the tank outlet.
  - iv) A 2 inch diameter butterfly valve shall be fitted when replacing a valve on tanks with 2 inch tank outlets.
  - v) A 3 inch diameter butterfly valve shall be fitted when replacing a valve on tanks with 3 inch tank outlets.
  - vi) A valve must be securely attached to the farm bulk tank.
- e) A Producer must hold the minimum required amount of Daily Quota as set out in Section 5 of the Daily Quota Order for the Board to give direction to pick up their Milk.
- 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 pick up the Producer's milk as part of another regular bulk milk route, the Producer shall be charged the regular monthly transportation service charge and an additional fee equal to the greater of:

1. \$2.00 per hectolitre or the actual additional transportation costs on the milk picked up for the 1<sup>st</sup> to the 45<sup>th</sup> additional pickup in any 24 consecutive month period, and
2. \$4.00 per hectolitre or the actual additional transportation costs on the milk picked up for the 46<sup>th</sup> to the 90<sup>th</sup> additional pickup in any 24 consecutive month period.

A Producer who's production during a 48 hour period exceeds the legal holding capacity of a bulk milk tri-axle trailer and that the Board has directed to be picked up on a daily basis will not be subject to additional transportation costs or pickup limitations.

**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 the milk under Section 5a) herein is disposed of, that milk will not provide that Producer with any returns or be subject to any marketing fees nor will it be counted against that Producer's quota.
- c) 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 January 31, 2018.

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