



**Quota  
and Milk  
Transportation  
Policies**

**Dairy Farmers of Ontario**

**July 1, 2010**

**(check [www.milk.org](http://www.milk.org) for updates to DFO Policies)**

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This book has been prepared to provide all Ontario producers with information on the Quota and Milk Transportation policies of DFO. These policies became effective February 24, 2010, and remain in effect until DFO advises producers otherwise. Policy changes may be announced in *The Milk Producer* magazine. As well, an updated version of the policy book is included on the DFO website at [www.milk.org](http://www.milk.org).

The document posted on the DFO website ([www.milk.org](http://www.milk.org)) contains the most up-to-date policies and will be used for all policy interpretation and quota transactions.

Should one clause in these policies change or be removed, the other clauses will not be affected. Furthermore, each clause in these policies refers to a specific requirement and cannot be superseded by another.

For more information or clarification on any policies, producers are required to contact DFO's Field Services Representatives (names and addresses on DFO website) or head office staff (905-821-8970).

# **Part I: Quota Policies**

## **Section A**

### **General Regulations and Policies**

#### **1. General Licensing and Quota Requirements**

- (a) Quota is the property of Dairy Farmers of Ontario (DFO). It is fixed and allotted to producers on such basis as DFO considers proper and is subject to the terms and conditions of DFO's quota policies.
- (b) DFO will allot quota only to a producer.
- (c) With the exception of linked dairy facilities, DFO will only allot quota to a licensed dairy facility.
- (d) Producers can only ship milk under one business name at a time.
- (e) When a producer has ceased producing and marketing milk and no longer holds quota, the licence is cancelled and must be returned to DFO by the producer.
- (f) No person to whom a quota has not been fixed and allotted for the marketing of milk or whose quota has been cancelled shall market any milk.
- (g) DFO may refuse to fix and allot, cancel or reduce or refuse to increase quota for any reason it considers proper including contravention of any of DFO's quota policies, orders or directions or any part of the regulations made under the Milk Act, the Agricultural Products Marketing Act or the Canadian Dairy Commission Act.
- (h) Requests to update quota ownership, transfer, sell, purchase, use and/or relocate quota that appear to contravene the intent of DFO's policies will be denied.
- (i) All quota transactions are completed by an official Order of DFO.
- (j) Quota allotted by DFO cannot be loaned or rented by or from a producer issued a licence to produce and market milk.
- (k) No person shall market any milk except by, from, and through DFO.
- (l) A producer can deliver to DFO only milk which has been produced by cows located on the farm from which they are licensed to produce and market milk, unless, with the prior approval of DFO, facilities are being shared.
- (m) Quota allotted by DFO cannot be combined using common milking and/or production facilities.
- (n) No person other than DFO shall buy milk from a producer.
- (o) No person shall sell, offer for sale, deliver or distribute milk or cream that has not been pasteurized or sterilized in a plant that is licensed under the Milk Act or in a plant outside Ontario that meets the standards for plants licensed under the Milk Act.
- (p) No person shall sell, offer for sale, deliver or distribute a milk product processed or derived from milk that has not been pasteurized or sterilized in a plant that is licensed under the Milk Act or in a plant outside Ontario that meets the standards for plants licensed under the Milk Act.

- (q) Payment for milk shipments to DFO will be made to the holder(s) of the licence.
- (r) Each producer must supply milk that meets or exceeds quality standards and maintain farm premises at Grade A standards established under the Milk Act and enforced by DFO or the quota and/or licence may be cancelled by DFO.
- (s) If, through a series of transactions, DFO's policy intent is not met, the transaction may be denied, previous transactions reversed and/or the Board may issue an order to sell, on the quota exchange, the quota acquired.
- (t) To maximize the quota available on the quota exchange and give all producers equitable access to quota, two or more producers cannot merge their quotas under one licence either directly or through a combination of quota transfer and relocation methods.

## **2. Provincial Laws and Regulations**

- (a) By accepting a licence to produce and market milk, the producer agrees that all provincial laws, regulations and policies related to producing and marketing milk will be followed.
- (b) Provincial laws and regulations can be found at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

## **3. Residency Requirements for Licensing**

Only producers who are involved in producing and marketing milk and who reside on or within 10 km of the licensed dairy facility can be licensed and be allotted or hold quota.

## **4. Provincial Quota**

Ontario's quota is defined pursuant to the rules of the P5 Pooling Agreement. Monthly usage information is available in the *The Milk Producer* magazine's *Markets* section.

## **5. Non-Saleable Quota**

- (a) The P5 quota that was in effect on August 1, 2009 will be the initial saleable quota. Non-saleable quota will be calculated as a per cent of total quota. If a producer either purchases or sells quota over the quota exchange or through a transfer, the saleable quota will increase or decrease by the saleable portion of the purchase, sale or transfer.
- (b) For quota exchange invoicing and quota sale payment purposes and for quota transfers, saleable and non-saleable quota will be calculated administratively by DFO. Producers are to indicate the total production quota (saleable and non-saleable) amounts.

## **6. The Right to Adjust Quota**

- (a) If necessary, DFO will adjust the quota held by all producers on an equal percentage basis to meet Ontario's share of the national and/or P5 market requirements.
- (b) If there is a general quota increase after August 1, 2009 that applies to all producers, the per cent of the quota issued to producers that is greater than the initial saleable quota will be deemed to be non-saleable.
- (c) If there is a general quota decrease that applies to all producers, the decrease will first be subtracted from non-saleable quota, and, if necessary, from saleable quota.
- (d) If the quota that is issued to producers is less than the initial saleable quota and there is a general quota increase that applies to all producers, only the amount of increase that is greater than the saleable quota, if any, will be non-saleable.

## **7. Quota as Security**

DFO does not recognize third party claims on quota. Producers are permitted to register with DFO directions of proceeds resulting from a sale of Ontario quota. If a letter of direction is registered with DFO, the lender will be advised if DFO has received an application to transfer quota as part of an ongoing operation.

## **8. Minimum Quota Requirements**

- (a) Producers are required to hold at least 10 kilograms of quota to ship milk. For more information on this policy, new producers should refer to Section G, and producers considering ceasing production or selling quota should refer to Section C.
- (b) Prior to January 1, 2007 producers were only required to hold five kilograms of quota to ship milk. Producers holding between five and 10 kilograms of quota were “grandfathered” from the policy change and can ship milk while holding less than 10 kilograms of quota but they are not permitted to sell or transfer quota unless it is a total quota exchange sale or transfer.
- (c) Producers participating in the NEQAP are required to hold at least 12 kilograms of their own quota at all times to be eligible to continue in the NEQAP.

## **9. Maximum Quota Levels**

- (a) Producers are required to obtain approval from DFO before they can exceed 150 kg of quota and again before they can exceed each subsequent 100 kg level (i.e. 250, 350, etc.).
- (b) If a producer is permitted to increase more than one screening level at the time of approval, ownership information is to be provided to DFO annually on the anniversary date of the initial approval.
- (c) To apply for such approval, producers must have a current Environmental Farm Plan ([www.omafra.gov.on.ca/english/environment/efp/efp.htm](http://www.omafra.gov.on.ca/english/environment/efp/efp.htm)). They must also complete an application form available from DFO’s Field Services Representatives or the DFO website and submit it to the Production Division at DFO. The application is to be accompanied by a certified accountant’s or lawyer’s letter that indicates the names of the persons owning the quota. The letter is required for all business structures — sole proprietorships, partnerships or corporations. For corporations, the letter must also indicate who has the authority to bind the corporation. If the authority to bind the corporation is not indicated, all shareholders must sign the DFO form. The application form and certified accountant’s or lawyer’s letter must be received on or before the last working day of a month to be eligible to bid to buy quota on the exchange ending the first day of the next month.

## **10. Records**

Under the Milk Act, DFO has the right to inspect producers’ records to ensure they are complying with regulations and DFO policies. Falsification of records can result in the cancellation of quota or licence.

## **11. Privacy**

Requests for information about a licence are to be made in writing to DFO by the licensee or, if authorized by the licensee in writing, the legal counsel representing the licensee. E-mail correspondence from the licensee will be answered by e-mail. Information may be provided by telephone if it can be determined that a person on the licence is making the call.

## **12. Research**

Every producer shall, prior to selling or offering for sale milk from test cows where the tests or experiments involve chemicals, drugs or hormones not authorized for use on a commercial basis in Canada, file with DFO written notice of the producer's intention to sell or offer for sale any such milk. The producer must receive the written approval of a regulatory agency before milk can be marketed.

## **13. Precautionary Principle Policy**

- (a) In the event of a potential but unknown residue on an individual farm that is not associated with farm management, or an unidentified animal disease is evident but not verified that could potentially affect the safety of milk, and it is unknown if the processing of raw milk will eliminate or sufficiently reduce all risk, DFO will not market the milk of the producer. The policy is applied on a case-by-case basis. The policy will not be applied if there is a general issue and affects a number of producers.
- (b) To ensure that milk that may not be safe is not marketed, DFO will pay the producer for the milk produced on the farm until test results are known or until DFO is advised by the appropriate regulatory authority that the milk is safe to market.
- (c) Producers are to contact their Field Services Representative and the office of the Director of Regulatory Compliance at DFO's head office to report any potential safety issues associated with the marketing of raw milk.

## **14. Ownership Information**

- (a) Complete, accurate and up-to-date information on ownership of dairy business enterprises is required by DFO to enable it to administer its quota policies in a fair and equitable manner.
- (b) Any person applying for a DFO licence to produce and market milk and acquire quota, is required to provide accurate and up-to-date information on who will own the quota allotted by DFO by submitting a letter from their certified accountant or lawyer indicating the type of business structure and the names of the sole proprietor(s), partners or voting shareholders. In the case of a corporation, the letter is to indicate who has the authority to bind the corporation. Where the necessary information has not been provided or where DFO is not satisfied with the ownership structure, it may refuse to issue, cancel or reduce the quota of the producer.
- (c) Producers who have been issued a licence to produce and market milk and have been allotted a quota by DFO must advise DFO of any intent to transfer quota prior to the transfer being conducted by providing a letter of intent or intent form and, if authorization to transfer quota is granted, they must make application to DFO to transfer quota.
- (d) All producers must specifically agree to consent to cooperate with DFO for DFO to obtain full information on the producer, ownership of the business enterprise if not an individual, the producer's operations, the producer's business associates, the producer's creditors or any corporation, partnership or other business entity involved in the marketing of milk in which the producer has an interest.

## **15. Business Structures**

- (a) DFO requires that all parties on a licence:
  - (i) Be actively involved in the daily operation of the dairy business enterprise;
  - (ii) Contribute assets in addition to quota to the dairy business enterprise;

- (iii) Share in the risk of profit or loss of the dairy business enterprise;
  - (iv) Be jointly and severally liable to DFO for compliance with all applicable policies, orders, directions or regulations made under the Milk Act, the Agricultural Products Marketing Act and the Canadian Dairy Commission Act.
  - (v) Provide quota ownership verification from a certified accountant or lawyer for all applications.
- (b) Corporations must have their certified accountant or lawyer provide a letter confirming the names of all common and/or voting shareholders of the company and the letter must also indicate who has the authority to bind the corporation.
- (c) Where a business name is used, DFO requires a copy of the Master Business Licence as proof of registration under the Business Names Act as issued by the Ministry of Consumer and Business Services. If there are three or more partners, DFO also requires a copy of the Business Names Report.
- (d) Partnerships involving non-family members must provide DFO with a copy of the partnership agreement for approval. It is also recommended that agreements for family partnerships be provided.

# **Section B**

## **General Quota Policies**

### **1. Requests to Hold Quota in Abeyance**

- (a) When a producer's supply of milk to DFO ceases completely as a result of a catastrophe, the producer may be given permission to be out of production for a period not exceeding 12 months and still retain the quota.
- (b) A producer who requires this special consideration must make a written application to DFO within 30 days of the occurrence of the catastrophe and provide satisfactory documentary evidence.

### **2. Catastrophes**

- (a) Producers who have suffered a catastrophe may be permitted to share facilities with one or more existing producers for a period of up to 90 days provided DFO is notified and approves the request within 72 hours of the catastrophe. Through shared facilities, the appropriate milk shipments can be moved back to the licence of the producer who suffered the catastrophe.
- (b) Producers who are rebuilding following a catastrophe and provide documentary evidence that the rebuilding is planned or there is physical evidence that the rebuilding has started can share facilities for a period of up to one year. If rebuilding has started, a producer can make a written request for an extension of shared facility use and must provide the date the dairy facility is expected to be completed.

### **3. Where Production Levels are Low**

- (a) The amount of milk on the first milking should be approximately 10 per cent of the capacity of the bulk tank.
- (b) When production is not of sufficient volume for satisfactory cooling or agitation after the first milking is completed or for sampling or measurement at the time of milk pickup, DFO may refuse to market such milk and may cancel or suspend the licence or the quota allotted to the producer.

### **4. Renovations and Construction of New Facilities**

- (a) Producers who have started renovations or new facility construction or provide an engineer's building plans and a start construction date can share facilities with one other producer for a period of up to one year on the condition that the producer provides written confirmation that the cows being milked, and whose milk is being assigned, are owned by the producer who is renovating or constructing new facilities.
- (b) Producers who have renovated facilities or built a new facility must have a Grade A inspection of the facility and be classified Grade A before milk can be stored in the bulk tank to be offered for sale.

### **5. Linked Dairy Facility**

- (a) Effective August 1, 2011, each dairy facility must have its own licence and quota to produce and market milk.
- (b) Prior to August 1, 2011, producers could set up additional or linked dairy facilities to fill the quota on the primary dairy facility. Producers who had linked dairy facilities in operation prior to August 1, 2011 are "grandfathered" and the following policies remain in effect for "grandfathered" producers.

- Each dairy facility will have a separate licence number under the same producer name.
- All of the quota is allotted to one dairy facility and licence.
- Quota utilization is based on the combined production from all dairy facilities licensed to the producer.
- There is one monthly payment for the combined shipments from all of the dairy facilities licensed to the producer.
- A statement showing milk shipped and test results will be provided for the secondary facilities.
- Shipments and test results are distinct for each dairy facility.
- The weighted average composition tests and associated component yields are used for payment.
- Quality penalties, if applicable, are applied on the volume of milk shipped by the dairy facility incurring the penalty level test result.

## **6. Multiple Farm Operations**

Producers can be licensed at more than one dairy facility that holds quota providing the ownership is the same on all dairy facilities. All dairy facilities are treated as separate dairy facilities for reporting and payment purposes.

## **7. Producers Changing Locations**

A DFO licence is issued to a producer at the dairy facility specified on the application. Producers who are relocating and/or want to move their primary licence to a different dairy facility must reside within 10 km of the primary dairy facility and must obtain prior approval from DFO for the change of location and have the new premises approved as Grade A before milk production can commence.

# **Section C**

## **Policies for Acquiring, Selling or Transferring Quota**

Producers must advise DFO of any intent to transfer quota prior to the transfer being conducted by providing a letter of intent or intent form and, if authorization to transfer quota is granted, must make application to DFO to transfer quota.

### **1. Sales or purchases of quota may be made:**

- (a) On the monthly quota exchange. Refer to Section D.
- (b) Through a transfer of quota from a parent to a child. Refer to Section C-3.
- (c) Through a quota ownership update. Refer to Section C-4.
- (d) Through an ongoing operation purchase. Refer to Section C-5.
- (e) Through dissolving a partnership or corporation. Refer to Section C-6.

### **2. Minimum Quota Transactions**

- (a) The minimum amount of quota which can be purchased, sold or transferred is 0.5 kg of quota.
- (b) Quota transfers are not permitted to a new licensee who will hold less than 10 kg of quota.

### **3. Parent to Child Transfer**

A parent can transfer quota to a child who does not hold any quota on the condition that the child agrees to ship milk on a continuous basis for five years from the effective date of the transfer before being able to transfer the quota.

Children who hold quota or purchase quota as part of an on-going operation, or purchase quota on an exchange are not eligible to receive a quota transfer from a parent.

Producers who receive quota through a transfer are not permitted to link their licensed dairy facility to the licensed dairy facility from which the quota was transferred.

Parents who transfer quota to a child cannot at any time:

- (a) be added to the licence of the child; and
- (b) take over the licence of the child or their successors.

### **4. Licence Update Involving Members of the Immediate Family**

The quota ownership update is used when there is a change in the family members on a licence. Production must continue on an uninterrupted basis at the same location. With a quota ownership update, the licence number is not changed, just the names of the owners of the licence who are registered with DFO.

### **5. Ongoing Operation Sale/Purchase**

DFO will not permit quota to be purchased through a private sale if the fixed assets associated with the operation of the farm are not also purchased.

A producer who is leasing a dairy facility is not eligible to transfer quota as part of an ongoing operation.

The seller must have produced milk continuously at the farm location for a period of five years to be eligible to sell the farm as an ongoing farm operation.

When the fixed assets of a licensed producer are purchased and the purchaser agrees to maintain ownership for a period of five years, the purchaser can also acquire the quota (minimum 10 kg) at that farm subject to the following terms:

- (a) Quota purchased with an ongoing operation cannot be merged with other quota holdings or vice versa.
- (b) The purchaser agrees that they will ship milk on a continuous basis for five years from the effective date of the ongoing operation purchase before being able to update quota ownership, transfer quota from a parent to child, dissolve, or relocate the quota acquired with the ongoing operation purchase. Producers can build new milk facilities on the parcels of land acquired with the ongoing operation and within five kilometres from the original milking facility, provided the original milking facilities are no longer licensed. If the ownership of the fixed assets is not maintained for a minimum period of five years, DFO may by order, require that the quota purchased with the fixed assets be sold on the quota exchange.
- (c) The ownership of the fixed assets must be unchanged for a period of five years prior to the effective date of the ongoing operation purchase.
- (d) If a producer is purchasing a share of the quota on a licence, a prorated share of other fixed assets associated with the dairy business enterprise must be purchased.
- (e) Farm premises and farm yards and lanes must be approved by DFO's Field Services Representatives prior to commencing shipments.
- (f) If purchasers of an ongoing operation are former or existing quota holders or are spouses of existing or former quota holders, the quota acquired through the purchase of the ongoing operation cannot at any time be transferred to another location.

## **6. Dissolving a Partnership or Corporation**

When dissolving a partnership or corporation, quota can be transferred to a partner or shareholder that was on the dissolving licence starting milking premises at a new "green" site. The producer at the new "green" site agrees that they will ship milk on a continuous basis for five years from the effective date of the quota transfer before being able to update quota licence ownership or transfer from a parent to child the quota acquired with the dissolution.

## **7. Changes in Membership in a Partnership or Shareholders of a Corporation**

If there is any change in the partners in a partnership or a change in shareholders in a corporation, the producers must notify DFO of the change, in writing. DFO will require that the producers complete DFO forms. DFO approval of the change is required before the quota will be transferred.

## **8. Transfer from an Estate**

To transfer from an estate, the following documents are required.

- (a) An application to update quota ownership.

In addition, one of either (b) or (c) is required.

(b) With a Will:

- Copy of the Certificate of Appointment of Estate Trustee with a Will or Letters of Probate; or,
- Letter from the Estate Lawyer unequivocally confirming that it is the last Will and he/she is acting for the Estate and clearly names the executor/trustee.

OR

(c) No Will:

- Copy of the Certificate of Appointment of Estate Trustee without a Will or Letters of Probate; or
- Direction and indemnification from all the beneficiaries authorizing the transfer and indemnifying DFO, together with a lawyer's letter of explanation.

## **9. Interprovincial Transfers**

DFO permits the interprovincial transfer of quota subject to the conditions that follow:

- (a) The transfer of a producer's total quota will be permitted where the farmer is moving from Ontario to a new farm in another province providing there is a reciprocal quota movement agreement with the other province;
- (b) Ontario quota cannot be moved if it is being merged with the quota allotted to a milk licence in another province;
- (c) Quota transfers to a licensed shipper in another province are not permitted;
- (d) Any quota that is sold within five years of moving to the new farm in another province is to be sold on the quota exchange in the province the quota originated;
- (e) Dairy producers who sell their total quota in one province and move to another province and buy quota, are subject to the quota policies of the province they are relocating to, unless section (d) above applies;
- (f) The quota holdings of producers who move to other provinces are to be reported to the Board of the province the producer came from, one year after moving and again after two years; and
- (g) In the case of Quebec, the agreement to supply milk to the province that quota is moving from will be adjusted to reflect the kilograms of quota transferred.

# Section D

## Quota Exchange Policies

### 1. Exchange Operations

- (a) Quota purchases or sales on the exchange are effective on the first day of the month following the exchange month.
- (b) All offers to sell and bids to purchase quota must be made through the DFO website ([www.milk.org](http://www.milk.org)) by one of two methods:
  - producer self-service; or
  - assisted service through a customer service representative.

Offers to sell or bids to buy quota which are delivered to DFO by any other means will not be accepted. Producers not being able to bid due to a problem with DFO's website will have until noon on the business day following the close of the exchange to call 905-821-8970 and place or change their bid or offer. Guidelines on how to send a bid or offer to the quota exchange are provided in Section "D", #2.

- (c) All bids or offers must include:
  - the amount of quota to be sold or purchased to be listed in kilograms of quota (the saleable and non-saleable proportions will be calculated administratively by DFO);
  - the price for one kilogram of quota; and
  - the method of payment (cheque or milk statement deduction).
- (d) Quota must be offered for sale, or bid to purchase, in dollars. For example, buy five (5) kg of quota at \$25,000 per kg. Producers bidding for a fraction of a kilogram (for example, 0.5 kg) must also price their bid on a one (1) kilogram basis such as \$25,000 per kg.
- (e) All offers to sell and bids to purchase quota through the quota exchange must be made from 12:00:01 a.m. on the 20th of a month to 11:59:59 p.m. on the first of the following month (for example, from September 20 to October 1 to participate on the October exchange). If you are using the customer service representative method, please refer to the times of operation in Section "D" #2. DFO recommends that offers and bids be placed on the exchange in advance of the deadline date to ensure adequate time for staff to contact producers should corrections be necessary. Any bid or offer sent to DFO before the 20th or after the 1st will not be accepted. It is the responsibility of the producer to enter the bid or offer within the dates the exchange is open.
- (f) A producer who wishes to cancel an offer or bid or change the volume or price of an offer or bid can do so on DFO's website or through a customer service representative. All changes or cancellations must be made from the 20th to the first of the following month.
- (g) There is a service charge of \$5.00 plus HST for listing an offer to sell or a bid to buy quota through the producer self-entry method. There will be no additional charge for changing or cancelling a bid or offer on the same exchange through the producer self-service method. The service charge for using the customer service representative method is \$15.00 plus HST. There will be an additional charge of \$15.00 plus HST for changing or cancelling a bid or offer on the same exchange by the customer service representative method.
- (h) All producers will be advised of the results of the quota exchange through a cheque stuffer received with their milk statement. In addition, producers who listed offers to sell or bids to buy quota on the exchange will be advised by mail whether or not their offer or bid was

successful. Invoices for quota purchases and statements for quota sales are also available in the password protected area on the DFO website. Details of an exchange are posted on the DFO website at the time the exchange price is released.

- (i) Bids to purchase or offers to sell at a price exceeding the price cap of \$25,000, unless notified otherwise by DFO, for the month in which the producer wishes to buy or sell quota, will be adjusted to the quota price cap by DFO.
- (j) A producer may not make more than one offer to sell or one bid to purchase in the same month.
- (k) A producer cannot offer to sell and bid to purchase quota on the same exchange.
- (l) The minimum bid or offer that a licensee can enter on a quota exchange is 0.50 kg of quota.
- (m) The maximum bid to purchase quota that may be entered on a quota exchange is 10 per cent of the licensee's quota as of the closing day of the quota exchange.
- (n) If the calculated Exchange Clearing Price (ECP) for a quota exchange is lower than the quota price cap, the ECP will apply.
- (o) When the quota price cap is in effect for a quota exchange and demand for quota is greater than supply, the order of allocation on the quota exchange to the extent possible will be:
  - i) currently licensed producers with successful bids will receive 0.1 kg of quota;
  - ii) one new entrant with assistance will be next in line for up to 23 kg of quota;
  - iii) one new producer without assistance will be next in line for up to 35 kg of quota;
  - iv) any balance will be distributed through allocation and proration policies as follows: quota will be issued in allotment rounds of 0.1 kg to all successful buyers until a minimum of 50 per cent of the available quota is issued; and, after quota is issued to successful buyers in allotment rounds, the balance of the available quota on a quota exchange will be prorated across the unfilled balance of successful bids.Note: If there is insufficient volume to meet step (ii) and/or step (iii), any unallocated balance will be carried forward to the next quota exchange.
- (p) When the supply of quota is greater than demand at the quota price cap or the exchange clearing price, DFO will prorate the successful offers listed at the ECP or the offers listed at the quota price cap to bring the volume of quota purchased, the quota sold and the DFO quota inventory as close to a zero balance as possible.
- (q) Producers will be paid by DFO for quota sold on the exchange on or about the 20th of the month following the exchange month.
- (r) Producers must pay for quota as per the terms of the invoice if their bid, or a prorated portion thereof, is successful. Producers purchasing quota on the exchange have the option of paying by cheque or having the full payment deducted from their first milk statement issued by DFO after the close of the exchange.
- (s) Payment for all quota purchased on the quota exchange must be received by DFO on or before the last business day of the month prior to the effective date of the quota purchase; and if not received at DFO by this date, the greater of a \$100 service fee or late payment charges applied at a rate of two per cent per month, calculated daily, will be charged.
- (t) Cheques for quota payment can be postdated to the last business day of the month.

- (u) If payment is not received by DFO by the eighth day of the month, or next business day if the eighth falls on a weekend or holiday and there are insufficient funds to collect all of the funds owing by a milk cheque deduction, the proceeds of all subsequent milk and/or quota proceeds will be withheld until the balance owing is fully paid. The producer will also not be able to bid on the exchange for a period of 12 months after the first payment for quota has been deducted. For the next five years, after the producer is permitted to use the quota exchange again, all bids to purchase quota must be prepaid by a certified cheque or Letter of Credit before the bids will be accepted.
- (v) DFO reserves the right to request a Letter of Credit, wire transfer, or certified cheque to cover any bid from a producer where it is deemed appropriate.
- (w) When a producer's quota transactions do not appear to be related to the production of the dairy facility, DFO reserves the right to reject a bid or offer on the quota exchange, and may require that the producer have permission from DFO prior to using the exchange again.
- (x) The quota exchange is operated for the convenience of producers, and DFO accepts no liability or obligation whatsoever in the event that an exchange is cancelled for whatever reason.
- (y) For general rules regarding NEQAP and new producer applicants, please see Sections F and G.

## **2. Guidelines to Send a Bid or Offer to the Quota Exchange**

### **Producer Self-Service**

- (a) To reach the quota exchange through the Internet ([www.milk.org](http://www.milk.org)) select the Login link, enter your Username (licence number) and primary password, when prompted. Select Quota Exchange and then Buy or Sell Quota. Follow the instructions for submitting your bid or offer. Bids and offers are accepted from 12:00:01 a.m. on the 20th of a month to 11:59:59 p.m. on the first of the following month.
- (b) Submit your bid or offer a few days prior to the deadline, the first of each month, to allow adequate time for corrections, if necessary.
- (c) The minimum purchase or sale is 0.50 kilogram of quota.
- (d) If selling your total quota, select YES for this option and your total quota will be offered for sale.

### **Customer Service Representative**

Have your most recent milk statement available so that the CSR can verify the caller is the licence holder or licence holder's representative.

- (a) Bids and offers are accepted from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays, from the 20th of the month to the first of the following month.
- (b) Write down your bid or offer in the space below before making your call.

Buy \_\_\_\_\_ kg of quota at \_\_\_\_\_ dollars per kilogram. Advise if you will be paying by **cheque** or milk proceeds **deduction**. (Note: You can ask the CSR to put 10% in the kg section and the kg will automatically be calculated.)

**OR**

Sell \_\_\_\_\_ kg of quota at \_\_\_\_\_ dollars per kilogram. (Note: You can ask the CSR to put **ALL** in the kg section if you are selling your total quota.)

- (c) Call **1-866-518-2525** and a CSR will take your buy or sell information. Record the confirmation number provided by the CSR at the end of your call with your written bid or offer information.

### **3. Producers Wanting to Sell Their Quota**

- (a) Producers who have permanently ceased to supply milk to DFO have three exchanges on which to sell their total quota, starting with the first exchange held after their last month of shipments.

Example: a producer who ceases shipments during the month of September can offer the total quota for sale on the October exchange (offer sent between September 20th and October 1st), or the November or December exchanges. The December exchange (offer sent between November 20th and December 1st) would be the final deadline. For transfers to a child or children, the same deadlines apply.

- (b) Producers are permitted to sell their total quota on the exchange held during their last month of shipment. If the quota is sold, the producer continues to have the use of the quota until the end of the exchange month. Milk pickup will be stopped after the last regularly scheduled pickup for that month.
- (c) Producers are not permitted to sell an amount of quota that would reduce their quota allotment to greater than zero and less than 10 kg.
- (d) A producer who has not sold all quota due to proration on an exchange is not permitted to continue shipping if they hold less than 10 kg of quota.
- (e) If a producer has stopped shipping milk and has not sold their quota within the time period allowed, they are not permitted to sell quota unless they re-enter production for a period of at least 60 consecutive days at a level equal to at least 90 per cent of their daily average production in the 12-month period before they ceased production.
- (f) Producers who have been out of production for a period exceeding 90 consecutive days and have not sold their quota will have their quota allotment cancelled by an Order of DFO.
- (g) Producers must ship milk for at least 150 days in any 365-day period.

### **4. Producers Who Cease Shipping Milk for a Period and Wish to Recommence**

Producers are permitted to cease production for a period of up to 90 consecutive days.

Producers intending to cease production and recommence within the 90-day period must take note of the following policies:

- (a) If there are no milk shipments for a period in excess of 30 days, the producer must contact the local DFO Field Services Representative to arrange to have their farm inspected. The dairy facility must be deemed to be Grade A by the FSR prior to milk pickup being arranged.
- (b) Unless the producer has been shut off from the milk market, a producer who resumes shipments after being out of production for more than six consecutive days is not permitted to sell quota unless they reenter production for a period of at least 60 consecutive days at a daily level equal to at least 90 per cent of their daily average production in the 12-month period before they ceased production.

- (c) Unless quota is being held in abeyance, producers who have been out of production for a period exceeding 90 consecutive days or have less than 150 days of shipments in the most recent 12 months may have their quota allotment cancelled by an Order of DFO.
- (d) Producers who are shut off from the milk market do not receive quota days for the shut-off period and are not permitted to pay back overproduction credits and/or accumulate underproduction credits during the shut-off period. They are also not allowed to share facilities or set up primary/linked facilities.

# Section E

## Quota and Payment

### Introduction

Quota is administered on a monthly basis and production is applied to monthly quota, incentives and credits in the order listed as follows:

1. monthly quota;
2. production incentives;
3. underproduction credits;
4. overproduction credits; and
5. over-quota milk.

### 1. Monthly Quota

Quota is issued on a daily basis but is administered on a monthly basis. Daily quota is multiplied by quota days to determine monthly quota.

Quota days are the difference in the number of days from the last pickup in the previous month to the last pickup in the current month.

However, if milk was not shipped on the last pickup or pickups in a month, the following procedures apply. If quota days are less than the current month's calendar days minus one, then quota days are the difference in the number of days from the last pickup in the previous month to the last calendar day in the current month. When calendar days are used, the last day of the month is deemed to be the last pickup date for the month for the next month's quota day calculations.

If a producer does not ship on the last scheduled pickup in a month and provided the calendar day provision is not triggered, the quota days are available in the next month. It is recommended that you **not dump the last scheduled milk pickup in a month.**

Producers may be either slightly above or slightly under their quota on a monthly basis. The overproduction and underproduction credit system is meant to accommodate fluctuations in production.

### 2. Production Incentives

To encourage increased production, normally in the fall months, and other times when needed, all producers may be given additional incentive credits based on their daily quota allotment. The level of fall incentive credits is usually announced early in the calendar year.

- (a) Incentive credits are available only for the month in which they are allotted, and cannot be carried forward in part or whole.
- (b) Incentive credits are utilized after the monthly quota and before underproduction and overproduction credits.

### 3. Underproduction Credits

Producers who ship slightly under their monthly quota are permitted to carry the unused monthly quota forward to future months to offset shipments over the monthly quota, subject to limitations the Board may place on credit use. This unused quota is referred to as an underproduction credit, and, when needed, is available for use in addition to the regular monthly quota.

- (a) The maximum number of underproduction credits that can be accumulated and carried forward indefinitely is equivalent to quota holdings multiplied by 30 days.
- (b) If there are no overproduction credits owing, underproduction credits are earned when production in the month is below the monthly quota.
- (c) When a producer's quota is reduced or the producer sells or transfers any or all quota, the maximum underproduction credits, if applicable, will be reduced to a maximum of the new quota multiplied by 30 days.
- (d) Underproduction credits can be transferred with the quota for a quota ownership update, ongoing operation purchase or parent to child quota transfer.
- (e) Producers shut off from the milk market are not eligible to earn underproduction credits during the period in which they are shut off.

#### **4. Overproduction Credits**

Overproduction credits allow producers to occasionally ship slightly above their monthly quota at domestic prices, with the intent that overproduction credits will be paid back by under-quota production in future months, subject to limitations the Board may place on credit use.

Overproduction credits are a loan of quota. The producer incurs a "debt" of the difference between domestic and over-quota prices on the kilograms of overproduction credits borrowed. Borrowed overproduction credits and the associated debt are carried forward and the producer is obligated to pay back the overproduction credits. Borrowed overproduction credits can be paid back through underproduction of monthly quota or, if quota is reduced due to a sale, transfer, or quota decrease the debt owing is deducted from milk and/or quota proceeds and are again available for use if the producer remains in production.

- (a) The maximum overproduction credits that producers may borrow will be 10 days, subject to the following provisions.
  - (i) Producers who have borrowed the equivalent of 10 or fewer days of overproduction credits at the end of January 2010 will have a 10-day overproduction credit maximum.
  - (ii) Producers who have borrowed more than the equivalent of 10 days of overproduction credits at the end of January 2010, will have an initial overproduction credit maximum established that is equivalent to the number of days borrowed at the end of January 2010.
  - (iii) The overproduction credit maximum for producers who have borrowed more than 10 days will be reduced in months that shipments are less than monthly quota and, when the maximum is reduced to 10 or fewer days, the overproduction credit maximum will be limited to 10 days.
- (b) Overproduction credits are utilized when production in the month exceeds monthly quota plus, if applicable, production incentive credits and underproduction credits.
- (c) Borrowed overproduction credits can be paid back through underproduction of monthly quota (all utilized overproduction credits must be paid back before underproduction credits can be earned).
- (d) Producers who have borrowed some of their available overproduction credits and sell quota or have their quota reduced, may be in a position of having borrowed more overproduction credits than the new maximum available after the sale. In these cases, any overproduction credits borrowed that are greater than the number available are paid back through a

deduction equivalent to the difference between within-quota milk prices and over-quota prices.

- (e) If a producer sells all quota, all overproduction credits owing must be paid back. The deduction will be made on the milk statement for the month the quota is last available for use.
- (f) Overproduction credits are transferable with the quota for a quota ownership update involving family members where the licence number remains the same.
- (g) Overproduction credits are transferable with the quota through an ongoing operation purchase if both the seller and purchaser agree in writing.
- (h) Producers who are shut off from the milk market cannot pay back any borrowed overproduction credits during the period in which they are shut off.

## **5. Over-Quota Milk**

- (a) Milk marketed in a month by a producer that exceeds the total quota and available incentive and credit days to that producer for the month is over-quota.
- (b) For milk marketed above 100 per cent of a producer's quota and available credit and incentive days, or above such level as determined appropriate by the Board, the producer will receive no payment for the milk and will be subject to the normal deductions.

## **6. Irregular Shipments**

Producers who attempt to divert shipments from one month to the next to avoid over-quota production, or for other reasons, affect milk transporter and milk processor efficiencies as well as create inequities in the quota and payment systems. Producers will not be paid for the milk that is held back one month and shipped in the next month. Normal deductions will also apply.

## **7. Volume Adjustments**

All milk volume and component adjustments and associated quota utilization adjustments will not be a separate adjustment but will occur in the next producer payment cycle.

## **8. Registration of Letters of Direction of Proceeds from the Sale of Quota**

Quota belongs to and is administered by DFO for supply management purposes.

Letters of Direction (LOD) will not be registered for non-saleable quota or for quota loaned in assistance.

DFO recognizes that producers may ask DFO to remit, on their behalf, proceeds from the sale of quota to a lender that provided funding for a quota acquisition. DFO will send the proceeds (saleable portion only) from the sale of quota on the DFO quota exchange to lenders. This service is provided on a fee-for-service basis.

The following describes the circumstances under which DFO will administer and manage the registration of the Letters of Direction of proceeds from the sale of quota.

- (a) It is the responsibility of the producer to offer quota for sale. In the event of the sale of quota, it is the responsibility of the lender to pay any funds in excess of the loan amount to the producer. The saleable and non-saleable proportions will be calculated administratively by DFO at the time of a quota sale. The lender will receive proceeds for the saleable portion only.

- (b) DFO will register Letters of Direction signed by producers for lenders. The expiry date is not to exceed 20 years from the start date. Dairy producers who are dealing with one lender can provide a single standing Letter of Direction. The expiry date will be reset to 20 years each time quota is purchased.
- (c) Producers can make application for Letters of Direction registration service by providing DFO with the properly completed DFO forms.
- (d) It is the responsibility of the producer to resolve any disputes between the producer and lender or lenders regarding the registration of a Letter of Direction or Letters of Direction.
- (e) A Letter of Direction can be released by the lender, but an existing direction cannot be transferred.
- (f) If saleable quota is reduced through a general provincial quota reduction, resulting in the saleable quota held by the producer being less than the amount of quota secured by the Letter of Direction, the amount of quota secured will be reduced by a corresponding amount and, if there is more than one lender with a Letter of Direction, the quota registered by the Letters of Direction will be reduced by a prorated share for each of the lenders.
- (g) If there is more than one Letter of Direction on file at DFO and there is a partial sale of quota, the payment will be made according to the date the Letters of Direction were first registered with DFO.
- (h) In the event of a quota sale, where there is both encumbered and unencumbered quota, quota proceeds will be applied to the Letter or Letters of Direction on file before being paid to the producer.
- (i) In the event of a pending quota transfer, if a lender has a Letter of Direction for any of the quota that is being transferred, the lender will be notified of the pending transaction in advance of the effective date of the transfer.
- (j) Letters of Direction are administered on a per licence basis. It is the responsibility of the licence holder to administer agreements between the partners, shareholders, or parties of the business entity.
- (k) DFO is not responsible for any fees or charges associated with a delay in the payment of quota proceeds to the producer or designate.
- (l) A Letter of Direction can only apply to unencumbered quota and/or quota that does not currently have a Letter of Direction registered with DFO.

## **9. Assignment of Monthly Milk Proceeds**

Producers can assign a portion or all of their monthly milk proceeds. Assignments are offered on a fee-for-service basis to producers as follows:

- (a) The assignment of milk proceeds is for milk revenue net of DFO deductions, amounts due DFO and, if applicable, milk quality penalties.
- (b) The assignment of milk proceeds to a lender is for milk proceeds only and does not include the payment of quota proceeds if the lender does not have a Letter of Direction.
- (c) Assignments can either be revocable or non-revocable and, if non-revocable, both the producer and the assignee must provide DFO with a jointly signed request asking DFO to cancel the assignment. If revocable, the producer can make a written request to cancel the assignment.

- (d) Assignments are paid out on the basis of when they were first registered with DFO.
- (e) DFO will post the assignment priority number according to the date the assignment was first registered with DFO.
- (f) DFO in no way guarantees that there will be sufficient funds to pay the assignee or assignees.
- (g) If there are insufficient funds to pay all assignees from the monthly proceeds, the shortfall will not be paid out through the assignment process in future months.
- (h) Any instruction of the court or Revenue Canada takes priority over an assignment or assignments.
- (i) DFO is not responsible for any fees or charges associated with a delay in the payment of milk to the producer or designate.

## **10. SNF/BF Ratios**

Payments for within-quota shipments to DFO will be made based on the butterfat composition of the milk and the ratio cap of solids-not-fat (SNF) to butterfat content in the milk as determined appropriate by DFO.

## **11. Explanation of the Milk Cheque Statement**

### **(a) Monthly Quotas (also see Section E-1)**

Monthly quota is calculated by multiplying quota by the difference in the number of pickup days between the last pickup in the previous month and the last pickup this month, e.g. Dec. 30 to Jan. 31 = 32 days (50 kg x 32 days = 1,600 kg for a 16-pickup month).

If a producer stops partway through a month, resulting in calendar days minus one being greater than the difference in the number of days between the last pickup in the previous month and the last pickup this month, then quota days are the difference in the number of days from the last pickup in the previous month to the last calendar day this month.

Dec. 30 to Jan. 13 = 14 days. Calendar days 31 minus 1 = 30 days.

Quota days of 32 are used in this example.

### **(b) Incentive Days**

Incentive days are multiplied by the quota, e.g. 50 kg x 1 day = 50 kg. (The 50 kg is added to the monthly quota.) Incentive days that are not used cannot be carried forward to the next month.

### **(c) Maximum Underproduction Credits**

The maximum number of underproduction credits that can be carried forward is quota multiplied by 30 days. e.g. 50 kg x 30 days = 1,500 kg.

If quota is sold, the maximum underproduction credits are also reduced on the effective date of the sale

50 kg - 25 kg = 25 kg x 30 days = 750 kg. Underproduction credits greater than 750 kg would be clawed back.

### **(d) Maximum Overproduction Credits**

The maximum number of overproduction credits that can be carried forward is quota multiplied by 10 days. e.g. 50 kg x 10 days = 500 kg.

If quota is sold, the maximum is also reduced on the effective date of the sale 50 kg - 25 kg = 25 kg x 10 days = 250 kg. Overproduction credits greater than 250 kg would be clawed back.

**(e) Production Potential**

To determine daily production potential, a producer must divide quota by the estimated butterfat test to determine hectolitres. When incentive days are issued, the quota equivalency must be added to the daily quota before dividing by the estimated butterfat test. Hectolitres multiplied by 100 determines litres.

For example: A producer with a daily quota of 50 kg and an average butterfat test of 4.0 kg/hl could ship 1,250 litres/day as calculated below.

50 kg daily quota ÷ 4.0 kg/hl BF test = 12.5 hl

12.5 hl x 100 = 1,250 litres/day

Note: one (1) hl = 100 litres

**(f) SNF to BF Ratio**

A producer is paid the within-quota rates for SNF for up to 2.35 kg for every one kilogram of butterfat. There is no payment for SNF above 2.35. The province is not paid for SNF if the weighted provincial average is greater than 2.2840 to one.

The ratio is administered on a dairy-year basis ending July 31. If a producer is over the ratio and is under the ratio in subsequent months, payment will be made on the eligible portion.

If the use of quota is acquired through an ongoing operation purchase, the ratio is not carried forward from the previous licence.

## **Section F**

# **New Entrant Quota Assistance Program (NEQAP)**

The following terms and conditions apply to the NEQAP:

1. DFO will provide up to 120 kg of quota per year for the NEQAP.
2. Subject to DFO issuing a licence to produce and market milk and approving an order to issue quota, DFO will initially allocate up to 12 kg of quota to each successful applicant.
3. Up to 10 applicants will be selected to receive assistance per year.
4. Applicants shall be 18 or more years of age and shall not be an undischarged bankrupt at the time of application.
5. Applicants cannot have been previously licensed to produce and market milk in Canada.
6. Applicants can only submit one application and can only be listed on one application.
7. If multiple applications are received from the same applicant(s), all applications listing the applicant(s) will be cancelled.
8. Applicants must provide the location of the farm facility they will be producing milk from and only one application per farm facility can be submitted.
9. If multiple applications are submitted for the same farm facility, all applications for the same farm facility will be cancelled.
10. Applicants who use a non-registered business name will not be eligible for the program.
11. When the necessary ownership and farm location information has not been provided or when the third party is not satisfied with the ownership structure, the application will be cancelled.
12. Spouses of milk producers previously licensed in Canada are not eligible to apply for the NEQAP.
13. DFO staff members and contract employees, their spouses, their children and their children's spouses, are not eligible to participate in the NEQAP.
14. Applicants cannot apply for assistance if they are starting on a licensed dairy facility from which their parents were licensed and shipped milk in the previous five years.
15. DFO will provide applications for the NEQAP each year in the July issue of *The Milk Producer* magazine and the application forms will also be available on DFO's website during the application period.
16. The application period for the NEQAP is from August 1 to November 30 of each year.
17. Applicants are required to have a certified accountant prepare or review a 10-year business financial plan and have the certified accountant verify, in writing, that the plan is legitimate and indicate per the assumptions made that the business has the ability to generate profit. If there is no signed verification from a certified accountant, the application will be cancelled.

18. The business financial plan is to include the following sections:
  - (i) pro forma income statements, cash flow statements and balance sheets for the 10-year period;
  - (ii) sufficient detail on the ownership structure and governance of the business;
  - (iii) a description of the proposed dairy enterprise;
  - (iv) a description of the assets to be employed;
  - (v) the location of the farm facility where milk will be produced and marketed;
  - (vi) the provision of a liquidity order agreement signed by all lenders indicating the sources and the liquidity order
  - (vii) the highest education achieved by the applicant(s); and
  - (viii) dairy and agricultural experience.
19. Applicants are also required to have a letter from their lender(s) indicating that they have reviewed the business financial plan and agree to provide the financing that is stipulated in the plan. The financing plan cannot contain any contingencies such as, “based on property appraisals”.
20. Applicants are to send by registered mail, in a single package, an application form, a financial business plan (verified and signed by a certified accountant), and an “agreement to finance” letter from their lender.
21. Only complete application packages will be considered for selection for the NEQAP.
22. An independent third party will determine which applications meet the established criteria. If there are more than 10 applicants who qualify, the third party will use a lottery system to select the successful applicants and will advise DFO of those who have been selected. The third party’s decision is final with no appeal or explanation required.
23. Successful applicants will be notified in early February that they have been selected to participate in the NEQAP.
24. Successful applicants must hold a minimum of 12 kilograms of their own quota at all times while they receive quota in assistance and must obtain their required quota (12 kilograms) on the designated quota exchange according to their queue number. If successful applicants bidding on the exchange do not acquire 12 kilograms of quota by March 1, 2013, they will no longer be eligible for the NEQAP. New entrants must receive a parent-to-child quota transfer or purchase an ongoing operation and transfer the quota no later than April 1, 2013.
25. The number of new entrants who may participate on a single quota exchange is limited to one when the quota price cap is in effect.
26. DFO will operate a new entrant queue and the new entrant will be given a queue number. The queue order will be based on the order their application is selected in the lottery system.
27. A new entrant’s bid will be cancelled if there is an insufficient volume available on a quota exchange to issue at least 0.1 kg of quota to all other successful buyers. The new entrant whose bid was cancelled will be notified immediately. New entrants will maintain their queue order if a bid is cancelled.
28. New entrants whose initial quota allotment is acquired as part of an ongoing operation or quota transfer from a parent are subject to general quota exchange policies.
29. The allotment of quota through the NEQAP will coincide with the effective date of the acquisition of the required 12 kg of quota by the successful applicant.

30. New entrants must produce and market milk from their own separately licensed dairy facility.
31. DFO may provide quota to a new entrant for a period not exceeding sixteen years. DFO will take back, from the quota provided in assistance, the amount greater than the maximum quota assistance for a program year, as indicated in Schedule A.

**Schedule A**

<b>From the Start of Year(s)</b>	<b>Maximum Assistance (kg quota)</b>
One to Five	12
Six	11
Seven	10
Eight	9
Nine	8
Ten	7
Eleven	6
Twelve	5
Thirteen	4
Fourteen	3
Fifteen	2
Sixteen	1
Seventeen	0

32. If new entrants increase their own quota and the DFO quota provided in assistance to an amount greater than 35 kg, DFO will take back, from the quota that was provided under the assistance program, any amount greater than 35 kg of quota.
33. Quota provided under the NEQAP that is taken back by DFO will not be reissued if new entrants reduce their own quota to less than or equal to 35 kg.
34. New entrants cannot conduct a quota transaction that would reduce their own quota below the minimum level of 12 kilograms. If a new entrant conducts a quota transaction and reduces their own quota below 12 kilograms, DFO will take back all quota provided in assistance.
35. New entrants are not required to replace their own quota that is reduced through a general quota decrease that applies to all producers.
36. General increases or decreases will be applied to the new entrant's own quota and not the quota provided by DFO in assistance.
37. Quota provided in assistance to a new entrant is not transferrable and cannot be encumbered.
38. New entrants cannot transfer quota to any other party, with the exception that new entrants receiving assistance can add a spouse to the licence.

# Section G

## New Producer Applicant Requirements

A person(s) interested in becoming a milk producer must advise DFO by providing an intent form (available at [www.milk.org](http://www.milk.org)), and, if authorization to become a new producer applicant is granted, should be aware of the following items.

- (a) The applicant(s) must be at least 18 years of age at the time of application.
- (b) The new producer must have a minimum quota allotment of 10 kg, unless they are in the NEQAP where they must have a minimum quota allotment of 12 kg.
- (c) All new producers must have their licensed dairy facility and farm yard and lane approved by the FSR by the 15th of the month prior to the month in which they begin marketing milk.
- (d) Those planning to enter the industry and acquire quota through an ongoing operation purchase or from a parent to child quota transfer, must file the appropriate application forms with DFO. New producers who receive their initial quota acquisition with an ongoing operation or through a parent to child quota transfer are subject to general quota policies.
- (e) An applicant is not eligible for the quota exchange proration exemption if they or their spouse:
  - i) held a licence to produce and market milk in Canada in the previous five years;
  - ii) are starting on a farm on which a parent was licensed to market milk in the previous five years; or
  - iii) hold quota.
- (f) DFO will allow one applicant to participate on a single quota exchange when the quota price cap is in effect.
- (g) New producer applicants are exempt from proration for up to a maximum of 35 kg of quota on a single quota exchange.
- (h) DFO will establish a new producer applicant queue and the new producer applicants will be given a queue number.
- (i) A new producer applicant's bid will be cancelled if there is an insufficient volume available on a quota exchange to issue at least 0.1 kg of quota to successful bidders and issue quota to one new entrant with assistance. The new producer applicant whose bid was cancelled will be notified as soon as possible after it is known a bid was cancelled.
- (j) The new producer applicant whose bid was cancelled will maintain their queue order for the next quota exchange.
- (k) New producer applicants who purchase quota on the quota exchange and are exempt from the proration policy cannot transfer quota or conduct a quota ownership update or share facilities for a period of five years from the effective date of the initial quota acquisition.
- (l) A new producer not commencing shipping within three months of the effective date of the initial acquisition of quota has three exchanges to sell the quota.
- (m) A new producer entering the industry must commence marketing milk from their own farm location within a period of three months of DFO's approval of the Order which allots quota.

- (n) i) Ontario-based producers that have been fixed and allotted quota for the marketing of milk by another province (referred to as non-DFO producers) can bring their quota with them to Ontario if there is a reciprocal quota transfer agreement with the other province.
- ii) Interprovincial quota transfers must provide all relevant information that DFO may require to consider the application, including authorizing DFO to obtain any such information that it considers necessary from the province or marketing board that fixed and allotted quota to the non-DFO producer.

# **Section H**

## **Deadline Dates, Correspondence and Appeal Procedures**

### **1. Application Deadlines**

Applications of any kind must be received at DFO's Head Office on or before the first of the month if sent by regular mail. For a producer's protection, DFO advises the use of registered mail to Producer Services when submitting applications. Applications registered on or before the first can be processed for the 1st of the following month. Registered mail gives producers an equal opportunity to meet the required dates, regardless of where they reside in the province.

### **2. Correspondence**

Correspondence to DFO's Head Office should be addressed to:  
Secretary to the Board, Dairy Farmers of Ontario, 6780 Campobello Road, Mississauga,  
Ontario L5N 2L8, Telephone 905-821-8970, Fax 905-821-3160.

### **3. Requests for Special Consideration or an Exemption**

- (a) If a producer requires special consideration for reasons of not being able to comply with a particular policy(s) in Part I, DFO's Quota Committee should be advised of the problem within 90 days of the problem occurring, in writing to DFO's head office, providing all of the pertinent details as to why special consideration has been requested.
- (b) Medical conditions will not be accepted as the basis for any exemption requests. Producers must remain solely responsible for taking whatever steps they deem appropriate, including acquiring insurance, to protect against unforeseen circumstances, including medical challenges.
- (c) The Quota Committee will consider a request and make a recommendation to DFO's Board. DFO's Board, in turn, will reach a decision on the matter and the producer will be so advised in writing.

### **4. Requests for Reconsideration of a Board Decision**

If the producer is not satisfied with a DFO Board decision, the right is granted, under provincial legislation, to request a Hearing within 90 days of the Board's original decision and appear before DFO's Board to present the case in person. In this instance, the producer should advise DFO's Board Secretary, at DFO's head office, in writing, of their wish to "appeal" a DFO Board decision.

### **5. Requests to the Agriculture, Food and Rural Affairs Appeal Tribunal**

A producer also has the right to appeal a DFO Board decision to the Agriculture, Food and Rural Affairs Appeal Tribunal, 1 Stone Road West, Guelph, Ontario N1G 4Y2, Telephone 519-826-3433 or 1-888-466-2372, Fax 519-826-4232.

# Section I

## Definitions

For the purpose of the policies outlined in this document, the following definitions apply:

1. **“Assistance”** means the quota provided by DFO to successful new entrants in the New Entrant Quota Assistance Plan.
2. **“Bid”** means the quantity of quota the producer wants to purchase and the price a producer is willing to pay for the quota bid for on an exchange.
3. **“Catastrophe”** means a situation over which the producer has little or no control. A catastrophe may include herd or producer health problems or the loss of the milk production facilities.
4. **“Corporation”** means an association endorsed by law with the rights and liabilities outlined in its charter to act as an individual.
5. **“DFO”** is Dairy Farmers of Ontario.
6. **“Encumbered”** means permission granted to a third party to make a claim against the quota sales proceeds.
7. **“Fixed Assets”** mean the dairy production facility and associated land base.
8. **“Green Site”** means a dairy facility that does not hold a quota.
9. **“Kg”** means kilogram.
10. **“Licensed dairy facility”** means a milk production enterprise at which a producer has been licensed by DFO, has been allotted quota to produce and market milk or is linked a primary production facility, and which has been designated as Grade A by an appointed fieldperson or is linked to primary production facility.
11. **“Licensee”** means a producer who has been issued a licence to produce and market milk by DFO.
12. **“Milk”** refers to cows’ milk only.
13. **“Multiple farm operation”** means that two or more farms are licensed to produce and market milk by DFO that have the same ownership and each licence is issued a quota by DFO.
14. **“New Entrant Quota Assistance Program (NEQAP)”** means the program operated by DFO which may loan up to 12 kilograms of quota to 10 new entrants per year at no cost, provided the new entrants hold a minimum of 12 kilograms of their own quota.
15. **“New producer”** means applicants for a DFO licence to produce and market milk who have applied to purchase quota on the quota exchange and be exempt from the quota exchange proration policy or who acquire quota through an ongoing operation purchase or from a parent to child quota transfer.

16. **“New entrant”** means a producer who has not previously been on a licence to produce and market milk in Canada and is applying for quota assistance under the New Entrant Quota Assistance Program.
17. **“Non-saleable quota”** means the quota to market milk that has been issued to producers at no cost by DFO and is not saleable.
18. **“Offer”** means the quantity of quota the producer wants to sell and the price a producer is willing to accept for quota offered for sale on an exchange.
19. **“Ongoing operation”** means the dairy production facilities and the land base associated with the production facilities, that is licensed by DFO and is producing and marketing milk.
20. **“Own quota”** means quota acquired through an exchange, a transfer or with the purchase on an ongoing operation but not the quota provided by DFO in assistance to new entrants.
21. **“P5”** is a marketing pool consisting of the provinces of Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island.
22. **“Parent to Child Quota Transfer”** means a transfer of quota from a parent’s licence to the licence of a child operating a different dairy facility who does not hold any quota and is starting at a dairy facility at which the parent was not issued a licence to produce and market milk in the last five years.
23. **“Partnership”** is an association, embodied in a written agreement, between two or more individuals who are joint and active principals in the day-to-day operation of a dairy farm.
24. **“Primary and linked dairy facility”** means a dairy business that has two dairy facilities that are licensed by DFO to produce and market milk, the primary licence holding the quota, the linked dairy facility holding no quota, and shipments from both the primary and linked dairy facility using the quota holdings on the primary dairy facility.
25. **“Producer”** is a person, partnership, corporation or other form of business enterprise, licensed by DFO for the production and marketing of milk. In the case of a partnership, corporation or other form of business enterprise, DFO considers all parties to the business enterprise to be “producers” for purposes of the application of these policies.
26. **“Production”** means the amount of milk shipped and sold to DFO that has been produced by the producer on the farm of the producer.
27. **“Production potential”** means the estimated amount of milk, expressed in litres, that a producer can ship on a daily basis without exceeding the allotted quota.
28. **“Prorate”** means to calculate or distribute proportionally.
29. **“Quota”** means kilograms of butterfat per day and determines a producer’s share of the national market share quota allotment, the fluid sales and milk for the Domestic Dairy Product Innovation Program of the P5 Pool and may be comprised of saleable and non-saleable quota.
30. **“Quota exchange”** means the mechanism operated by DFO on a monthly basis which provides all producers with an opportunity to sell or buy quota by matching supply and demand for quota at a bid or offer price.

31. **“Quota ownership update”** means the addition or deletion of members of the immediate family to the DFO licence as follows: grandfather, grandmother, father, mother, husband, wife, son, daughter, brother, sister, niece, nephew, grandson, granddaughter, son-in-law, daughter-in-law, grandson-in-law and granddaughter-in-law.
32. **“Quota price cap”** means the maximum price established by DFO that a buyer can bid for or a seller can receive in relation to quota bid for or offered on a quota exchange.
33. **“Ratio cap”** means the ratio of solids-not-fat (SNF) to milk-fat (butterfat) above which producers receive zero payment for within-quota SNF production.
34. **“Relocate”** means to move the licence and quota assigned to the licence to a different production facility that will continue to operate as a single business enterprise.
35. **“Saleable quota”** means the amount of quota to market milk that a producer can receive payment for if sold on the quota exchange.
36. **“Solids-not-fat” (SNF)** means the total solids of milk less the milk-fat content.
37. **“Spouse”** means either of two persons who are legally recognized as being married in accordance with the applicable law of Ontario.
38. **“Transfer”** means the ownership of quota transferring from one party to another.

# **Part II: Milk Transportation Policies**

## **Section A**

### **General**

#### **1. What To Do If The Transporter Can't Pick Up Your Milk**

If roads are closed for winter storms or any other reason and your milk is not picked up on your normal pickup day, you can continue to add one more day of milk to your tank if you have enough capacity. If you do not have the tank capacity, you should dump that milk. If milk has not been picked up after three days, all the milk must be dumped.

DFO does not pay producers for milk that has to be dumped as a result of road closures.

#### **2. Farm Bulk Tank**

A producer is required to advise DFO when a bulk tank or tanks are changed and must send DFO a copy of the litre chart that shows the manufacturer and serial number.

Effective September 1, 2010, all new licences, new milk house locations or newly installed tanks less than 1,000 US gallons must have, as a minimum, a 2-inch internal diameter outlet and valve. All new licences, new milk house locations or newly installed tanks of 1,000 US gallons or greater must have, as a minimum, a 3-inch internal diameter outlet and valve.

As well, all new licences, new milk house locations or newly installed tanks regardless of capacity must have only DFO-approved centre-pin butterfly valves and a tri-clamp or acme nut and thread connecting the valve to the tank.

A newly installed tank means new to that producer and applies to the installation of previously used farm bulk tanks.

In the future any farm not in compliance with the new bulk tank valve and outlet policy would have the necessary changes prescribed in writing by the DFO Field Services Representative. Producers who do not complete the requirements by the date specified in writing will not have their milk picked up until all of the requirements are completed.

#### **3. Everyday Pickup Service**

Producers who use a bulk tank with a capacity of at least 1,000 U.S. gallons and use a pre-cooling device or have a bulk tank specifically designed for everyday pickup may apply to DFO to have their milk picked up on a daily basis. Application forms are available through DFO's Field Services Representatives (FSR). Additional transportation charges are assessed for this special service. Higher charges may apply if the producer's location is considered to be isolated.

Producers are eligible to receive the everyday pickup transportation service on a temporary basis if they are installing a larger bulk tank. In order to receive the service, the producer must provide DFO with a copy of the purchase order. Upon receipt of the purchase order, the service will be provided for the lesser of eight weeks or until the new tank is installed. The everyday pickup charge is assessed for the extra transportation service.

#### **4. Two Farm Bulk Tanks**

Two farm bulk tanks can be installed in one milkhouse subject to the following requirements.

- (a) The primary farm bulk tank must have a capacity of at least 1,000 U.S. gallons (3,600 to 3,800 litres). (Refer also to Part II, Section A-2)
- (b) The second farm bulk tank must have a capacity of at least 600 U.S. gallons (2,100 to 2,300 litres).
- (c) The producer must be granted approval by DFO, based on installation plans that ensure bulk tank clearance and washing requirements will be met and in particular that there is a sufficient supply of hot water for the washing of all milking equipment.

- (d) The producer must install a pre-cooling device or both farm bulk tanks must be designed for everyday pickup.
- (e) The farm bulk tanks must be situated so that both farm bulk tanks can be picked up on one stop with a standard eight-metre hose.

## **5. Administrative Process for Two Bulk Tanks**

The administrative process for two tanks is:

- (a) An administrative licence number will be assigned to the second farm bulk tank which must be posted in the milkhouse.
- (b) A separate sample will be collected from and a separate milk collection report will be completed for the second farm bulk tank.
- (c) A separate statement will be issued for milk marketed from the second bulk tank showing litres shipped and tests. Payment is combined for both bulk tanks.
- (d) The poorest official quality tests from either the main licence number or the administrative licence number will be used for penalty determination and if a penalty is applied, it will be applied against the total monthly volume shipped under the main and the administrative licence numbers.
- (e) If the milk in one farm bulk tank cannot be offered for sale because it has been rejected by an official Bulk Tank Milk Grader (BTMG), milk from the rejected farm bulk tank cannot be offered for sale on subsequent pickups.
- (f) A service fee of \$85 per month will be charged to cover the additional transportation costs and additional testing service fees, unless DFO has asked the producer to install a second tank for transportation efficiency reasons.

## **6. Isolation Policy**

Staff are authorized to negotiate reasonable transportation charges on behalf of producers, in relation to costs, where unusual conditions exist.

## **7. Responsibilities of BTMG**

- (a) BTMGs may, under the authority of the provincial health and safety regulations, refuse to perform duties relating to the pickup of milk if they are concerned that their safety or the safety of others is at risk. Examples of risks are electrical safety, concerns with the surface of farm yards and/or lanes, and threats.
- (b) It is the responsibility of the BTMG to rinse the bulk tank after milk has been picked up and the transfer hose has been detached. It is the responsibility of the producer to wash the bulk tank. If the producer has asked the BTMG to start the bulk tank washer and the BTMG agrees, the BTMG may start the washer on the condition that the BTMG is not to handle the cleaning or sanitizing chemicals and is in no way responsible for any failures in the cleaning, sanitizing or related processes.
- (c) It is not the responsibility of the BTMG to monitor the cleanliness of the interior of the bulk tank.

## **8. Farm Bulk Tank Valve**

It is the responsibility of the producer to ensure that the farm bulk tank outlet valve is securely attached to the farm bulk tank.

If the outlet valve on a farm bulk tank becomes free of the tank when the BTMG is in the process of picking up the milk, and milk is spilled, the producer will not be compensated for the value of that portion of milk that is spilled. The volume of milk lost will be determined based on the difference between the load volume stated on the milk collection report (MCR) and the volume received by the plant.

# Section B

## Farm Yards and Lanes

### 1. Introduction

The accompanying provisions for farm yards and lanes were established by a joint committee of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), the Ontario Milk Transport Association (OMTA) and Dairy Farmers of Ontario (DFO).

The Farm Yards and Lanes Policy defines minimal conditions from the point where the milk truck leaves the travelled portion of the road to, but not including, the area on which the truck is parked while pumping on milk at the milkhouse.

The purpose of these standards is to ensure greater farm safety. Dairy Farmers of Ontario, as well as individual milk producers, are responsible for ensuring that a safe and practical access to the milkhouse is provided for the milk transporter.

### 2. Implementation

The Farm Yards and Lanes Policy is divided into two distinct sections, Section B and Section C. Section B identifies those farm yard and lane requirements for which all milk producers must be in compliance. Section C identifies standards and guidelines that producers may be required to comply with depending on circumstances.

Producers who are asked to comply with a particular aspect under Section C will be given a specified time period to comply.

### 3. Administration of the Farm Yards and Lanes Policy

The following are procedures that will be followed in administering the Farm Yards and Lanes Policy.

- (a) Any farm yard or lane problem which is brought to DFO's attention will be investigated by a DFO Field Services Representative (FSR). A Farm Yard and Lane Report will be completed after the FSR has discussed the matter with the producer. The report will indicate the necessary corrective action and a required completion date.
- (b) A follow-up visit will be carried out by the FSR shortly after the required completion date. The FSR will record, on their copy of the original Farm Yard and Lane Report, the action that has been taken by the producer.
- (c) Failure to complete the required changes may result in the producer's milk not being picked up and/or their being asked to appear before the DFO Board.
- (d) Regardless of what type of milk truck will be collecting a producer's milk, all new licenses must comply with the policy requirements as set out in Sections B and C of the Farm Yards and Lanes policy.

### 4. Cross-Contamination

Farm yards and lanes must be kept free of an accumulation of manure. Livestock is not permitted in the truck loading area.

Livestock may be driven across, but must not have unlimited access to, that portion of the yard and lane travelled by the milk transporter. Manure that accumulates in yards and lanes must be removed prior to the arrival of the milk truck.

Manure accumulations on farm yards or lanes is considered to be a potential source of contamination as manure can adhere to the underside of bulk milk tank trucks and truck tires and be transferred from farm to farm and from farms to processing plants.

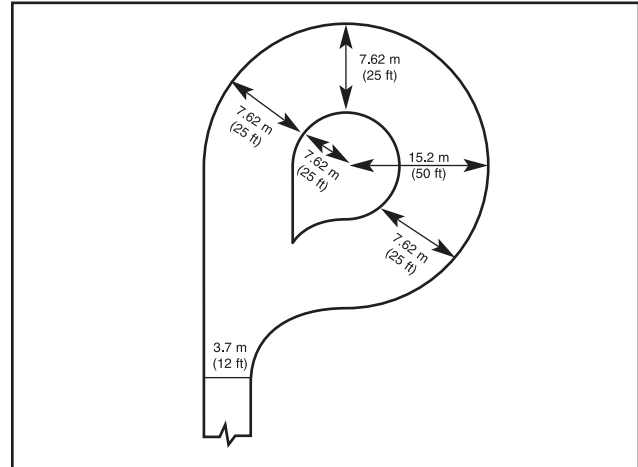
## 5. Backing In or Out of Lanes

DFO does not permit a milk truck driver to back in or out of farm yards or lanes.

An adequate truck turnaround area or other such arrangement must be provided on the farm, as close to the milkhouse as possible to minimize the distance the truck has to back up. The following figures give two types of acceptable turnarounds.

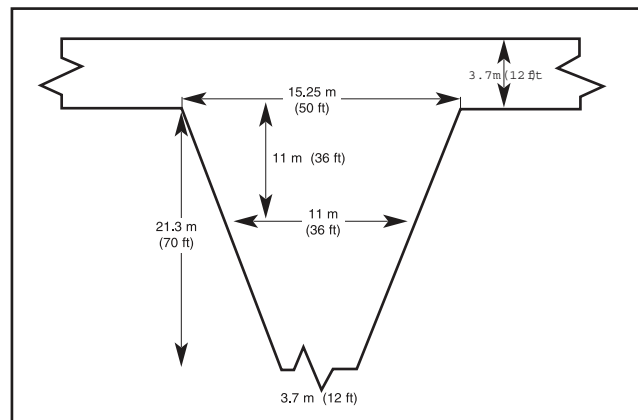
### Figure A Circular Turnaround

A circular turnaround area (Figure A) is the safest type of turnaround in that it allows a milk truck to turn, in the yard, without backing up the vehicle.



### Figure B Three-Point Turnaround

If a circular driveway is not provided, a yard in which a milk truck can be turned around by means of a three-point turn is permissible. An example of this type of turnaround area is shown in Figure B.



## 6. Farm Gates

Only texas-style gates are permitted.

# Section C

## Lanes

### 1. Lane Entrance

The lane entrance must be such that it provides a safe and reasonable access for the type of vehicle operating in the area. If the type of vehicle used to pick up a producer's milk changes, then the producer must ensure that the lane entrance can accommodate the new vehicle type.

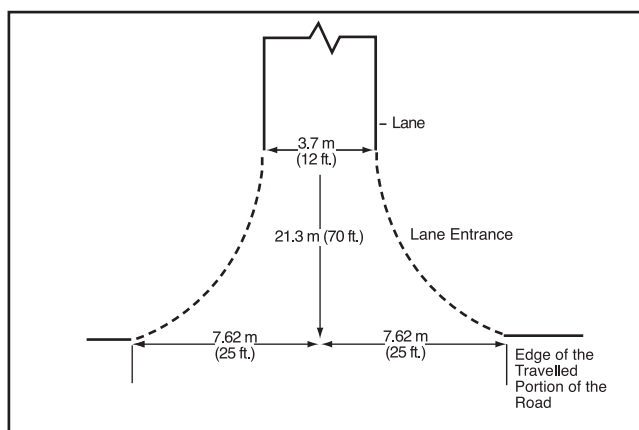
The following identifies the standard lane entrance that DFO may require a producer to comply with in order to provide a safe and reasonable access.

- (a) The standard for a lane entrance was established for rural municipalities with a road allowance of 20.3 metres (66 feet). The "travelled portion of the road" is defined as the paved portion with respect to highways and the gravelled portion with respect to non-paved roads.
- (b) At a point where the lane intersects with the road, the width of the lane must be 15.2 metres (50 feet). This is required in order that the truck does not have to swing across the centre line and into oncoming traffic in order to enter the lane.
- (c) The lane entrance should taper from the shoulder of the road so that, at a point 21.3 metres (70 feet) in from the edge of the travelled portion of the road, the width of the lane is a minimum of 3.7 metres (12 feet). The length of any necessary culvert will be dependent on the ditch location with respect to the lane entrance. (see Figure C)

The provided lane entrance standards generally comply with Ministry of Transportation standards as well as local County, Township and Municipal guidelines. If a producer feels that he/she cannot comply with the general standards, a letter requesting special consideration must be sent to the Transportation Manager.

Prior to any major alterations to the lane entrance, permission must be obtained from the local municipality.

**Figure C Farm Lane Entrance**



### 2. Lane Width

The minimum width of the lane must be 3.7 metres (12 feet) for the entire length of the lane, and greater than this at the entrance and at points where the lane direction changes.

### 3. Fences Along Lanes

Fences must be set back at least 2.4 metres (8 feet) from the closest edge of the lane to allow for adequate snow removal.

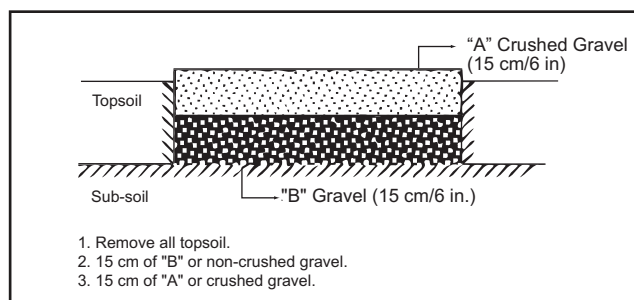
#### 4. Lane Construction

In order to provide adequate drainage and permit winds to carry snow over the laneway, the lane surface must be elevated with a gentle downward slope from the centre to each side of the lane. In addition, the lane shoulders must not slope at an angle greater than 45 degrees.

That portion of the yard and lane through which the milk truck travels must be constructed so as to provide adequate drainage and prevent the buildup of mud.

An example of the type of construction materials that could be used in constructing a lane or turnaround area is shown in Figure D. However, the amount of natural drainage will determine if more, or less, granular material is needed compared to the amount shown in Figure D.

**Figure D Cross-Section of Lane or Turnaround Area**



#### 5. Overhead Objects

The travelled portion of the yard and lane must be free of all overhead objects such as branches and wires to a height of 4.5 metres (15 feet) from the surface of the yard and lane. Ice and snow buildup should be taken into consideration when determining branch and wire height.

#### 6. Lane Bridges

The corners on all bridges, culverts, and texas-style gates must be clearly identified. The weight-bearing capacity of the bridge should comply with the following.

<b>Bridge Span Distance in Metres (feet)</b>	<b>Minimum Weight-Bearing Capacity in Kilograms (lbs.)</b>
1.0 to less than 2.0 (3.3 - 6.6)	19,000 (43,000)
2.0 to less than 5.0 (6.6 - 16.4)	28,000 (63,000)
Over 5.0 (16.4)	35,000 (80,000)

When a new bridge or culvert is necessary, it must be constructed in accordance with an engineer's stamped plans.

#### 7. Blocked Access

Cars, farm trucks, farm tractors and farm implements must not be parked in that portion of the yard and lane which is travelled by the milk truck in the process of picking up milk.

#### 8. Loading Area

The area of the yard on which the milk truck is parked while pumping on the milk must be reasonably level and dry.

## **9. Maintenance**

The yard and lane must be kept in good repair. The transporter may refuse to pick up the milk if potholes and ruts exist and/or the lane appears unsafe..

In winter, that portion of the yard and the lane through which the milk truck travels must be clear of snow when the milk is scheduled to be picked up. The yard and lane must also be clearly marked with poles and reflecting markers. The lane surface must be kept clear of ice through the use of salt and/or sand.

