

**TURKEY FARMERS OF ONTARIO
GENERAL REGULATIONS - 2019**

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**MADE UNDER THE *FARM PRODUCTS MARKETING ACT &
COMMODITY BOARDS AND MARKETING AGENCIES ACT***

Interpretation

- S.1(1) (a) "Act" means the *Farm Products Marketing Act*;
- (b) **"agreement" means a written agreement for the marketing of turkeys between a producer and a buyer;**
- (c) "basic quota" means a quota for the production & marketing of turkeys by category, fixed and allotted by the commodity board to a producer in respect of registered premises;
- (d) **"breeder licence" means a licence issued to a producer whose turkey production consists of brooding, conditioning and raising multiplier or primary breeding hens for egg production or toms for semen production;**
- (e) "breeder quota" means a basic quota for the production & marketing of breeder turkeys fixed and allotted by the commodity board to a producer in respect of registered premises;
- (f) "breeder turkey" means a female turkey that has produced an egg or a male turkey that has produced semen and that is at least 28 weeks of age;
- (g) "broiler turkey" means a turkey that does not exceed 6.2 kilograms live weight **at time of slaughter**;
- (h) **"brood" means the procedure of raising turkey poults after arrival at the turkey farm to a maximum of 8 weeks;**
- (i) **"brooding facility" means a building utilized for the sole purpose of brooding turkey poults for a maximum of 8 weeks;**
- (j) "buyer" means a person who buys or possesses turkeys for processing and includes a processor **and primary processor**;
- (k) "category" means the classification of turkeys as either broiler, hen, tom or breeder;
- (l) "commercial quota" means a quota allotted by the commodity board for a specified period of time for the production and marketing of turkeys that are under 28 weeks of age and that have not produced an egg or semen;

- (m) **“commercial turkey licence” means a licence issued to a producer who owns registered premises and who has been allotted quota by the commodity board and whose category of turkey production is either commercial broiler, hen or tom turkey or a combination of all three categories;**
- (n) "commodity board" means Turkey Farmers of Ontario;
- (o) **“conditioning” means preparing male or female turkeys for breeding purposes;**
- (p) **“contract breeder licence” means a licence issued to persons and lands whose sole production is brooding, conditioning and/or raising turkeys for breeding purpose for or on account of a breeder licence holder;**
- (q) **“contract brooding licence” means a licence issued to persons and lands whose sole production is starting and raising turkeys for a maximum of 8 weeks;**
- (r) **“Control Zone” means a geographical area within Ontario established by the Canadian Food Inspection Agency pursuant to the Health of Animals Act, S.C 1990, C.21 and regulations thereto, in response to the detection of a poultry disease.**
- (s) "custom **slaughter**" means the slaughter of a turkey for a person by a processor where the **processed** turkey is returned to that person or **processor**;
- (t) "dealer" is a person other than a hatchery engaged in the buying and selling of poults;
- (u) **“farm” means a registered premises or an unregistered premises that has been approved by the commodity board for the producing and marketing of turkeys;**
- (v) **“flock” means the turkeys placed as a group at a registered premise during a quota period;**
- (w) **“Flock Care Program” means the Turkey Farmers of Canada (TFC) National Farm Animal Council: Code of Practice based program promulgated by the TFC and consisting of various prerequisite programs or practices augmented by various record keeping requirements related to the production and humane treatment of commercial turkey;**
- (x) **“further processing” means any marketing activities carried out post-slaughter of turkeys including preparing, cooking, seasoning and de-boning;**
- (y) "hatchery" means a person engaged in the production and marketing of poults;
- (z) **“hatchery agent” means a person from Ontario who facilitates the delivery of day-old turkey poults to registered Ontario turkey producers from out of province hatcheries, and is subject to all obligations of a licenced hatchery;**

- (aa) "hen turkey" means a turkey exceeding 6.2 kilograms live weight, but not exceeding 10.8 kilograms live weight **at time of slaughter**;
- (bb) "it's office" means the office of the commodity board located at 1120 – 100 Conestoga College Blvd., Kitchener, ON N2P 2N6;
- (cc) "marketing" includes advertising, assembling, buying, financing, offering for sale, packing, processing, selling, shipping, storing and transporting and "market" and "marketed" have corresponding meanings;
- (dd) "marketing quota" means a quota for the production and marketing in Canada of turkeys allotted by the commodity board to a producer by category for a specified quota period;
- (ee) "mortality report" means a detailed record of bird losses which is required to be kept by a producer from the first day of placing poults until the last day that turkeys are marketed;**
- (ff) "On-Farm Food Safety Program" means the Turkey Farmers of Canada (TFC) HACCP based program promulgated by the TFC and consisting of various prerequisite programs or practices augmented by various record keeping requirements related to the production of turkeys
- (gg) "organic producer" means a producer who is in receipt of a marketing quota specifically or the production of organic turkeys, periodically fixed and allotted by the commodity board;**
- (hh) "overmarketings" means the quantity of kilograms live weight of turkeys that are sold or processed by or on behalf of a producer in excess of the producer's marketing quota and "overmarket" and "overmarketed" have corresponding meanings;
- (ii) "person" means an individual, body corporate, partnership association, trust or other organization as the case may be;
- (jj) "place" means the act of delivering and starting day old poults at a premises, and "placed" and "placing" have the corresponding meaning;**
- (kk) "poult" means a turkey of not more than 10 days of age;
- (ll) "poult placement report" **means** a form prescribed by the commodity board providing information pertaining to the placement or sale of poults **and turkey eggs** intra provincially or inter-provincially;
- (mm) "premises" means a parcel or lot of real property as identified by a Property Identification Number or, in the absence thereof, by another legal description by lot and/or parcel number or similar legal description or by other appropriate description using metes and bounds coordinates including the buildings existing on such real property;**

- (nn) **“processor licence” means a licence issued by the TFO to persons engaged in the slaughter of live turkeys;**
- (oo) "processing" means the slaughtering of turkeys and/or the subsequent handling pertinent thereto and includes further processing;
- (pp) "processor" means a person engaged in the processing and /or further processing of turkeys **and who holds a valid and subsisting Federal or Provincial Meat Inspection Licence and a TFO Primary Processing Licence;**
- (qq) "producer" means the beneficial owner of registered premises in respect of which a basic quota has been fixed and allotted for the production and marketing of turkeys;
- (rr) "producer remittance form" **means** a form prescribed by the commodity board providing information pertaining to the marketing of turkeys;
- (ss) "producer **shipping** receipt form" **means** a form prescribed by the commodity board providing information pertaining to the transporting of turkeys;
- (tt) **“producing” means having the care, control or possession of turkeys and “produced”, “produce”, and “production” have corresponding meanings;**
- (uu) "quota period" means the time period established by the commodity board in which a producer is required to utilize the marketing quota allotted to that producer:
- (vv) **"registered premises" means the premises in respect of which the commodity board has allotted quota to an allottee;**
- (ww) "tom turkey" means a turkey that exceeds 10.8 kilograms live weight **at time of slaughter;**
- (xx) "turkey" means a turkey or any class or part thereof regardless of breed or colour;
- (yy) “turkey barn” means a building or a structure on a registered premise used for the production of turkeys that has been approved by the commodity board for such purpose;
- (zz) “unregistered premises” means premises to which the commodity board has not fixed and allotted quota but which may be suitable for the production and marketing of turkeys if approved by the commodity board.
- (2) In all regulations, orders, directions and decisions of the commodity board, whenever reference to gender is made in connection with persons, the same shall be construed as including the masculine or feminine as the case may be where the fact or context so requires.

Application

- S.2 (1) This Regulation provides for the control and regulation in any or all respects of the producing and marketing within Ontario of turkeys, including the prohibition of such producing and marketing in whole or in part.
- (2) **Despite anything contained in this Regulation to the contrary,**
- (a) **no person shall place poults or produce turkeys in a Control Zone, without permission of the commodity board;**
- (b) **no person shall market turkeys in a Control Zone unless and until the commodity board has, by order, authorized and approved of the times and places at which turkeys may be marketed.**

Exemptions

- S.3 (1) Subject to the provisions of Sections **9, 10 and 15** (reporting requirements), the commodity board exempts from this Regulation the production and marketing of not more than 50 turkeys from a single unregistered premises during each calendar year.
- (2) **Persons who have been issued a contract brooding licence by the commodity board are exempt from Sections 5(4) and 6(4) of this Regulation.**

Licences

- S.4 (1) No person shall commence or continue to engage in the producing or marketing of turkey except under the authority of a licence.
- (2) The commodity board may refuse to grant or renew, suspend or revoke a licence where the applicant or the licensee is not qualified by experience, financial responsibility or equipment to engage in properly the business for which the application was made or where the applicant or licensee has failed to comply with or has contravened any provision or the Act, the regulations, the plan or any order or direction of the commodity board.
- (3) **No person shall be eligible to receive a marketing quota specified for organic production except under the authority of a license as an organic producer.**
- (4) **The commodity board may impose terms and conditions upon a licence.**
- (5) **Every producer to whom the commodity board has fixed and allotted a quota shall hold a commercial turkey licence.**
- (6) **Every producer engaged in the brooding, conditioning and raising of multiplier or primary turkeys shall hold both a commercial turkey licence and a breeder licence.**

- S.4 (7) Every person engaged in the business of a contract breeder shall apply for and obtain a contract breeder licence from the commodity board.
- (8) Every person engaged in the business of a contract brooder shall apply for and obtain a contract brooding licence from the commodity board.
- (9) The commodity board will only consider granting a contract breeder licence to a person that has produced a written contract with a holder of a breeder licence and which contract has been approved by the commodity board in accordance with TFO Quota Policy Statement Section 17.
- (10) The commodity board will only consider granting a contract brooding licence to a person that has produced a written contract with a holder of a commercial licence or a breeder licence and which contract has been approved by the commodity board in accordance with TFO Quota Policy Statement Section 17.

Production of Turkey

- S.5 (1) All turkeys shall be produced on a quota basis.
- (2) No person to whom a quota has not been fixed and allotted for the producing of turkeys or whose quota has been cancelled shall produce any turkey.
- (3) No person to whom a quota has been fixed and allotted for producing turkeys shall produce any turkey in excess of such quota.
- (4) No person shall produce turkey on lands or premises other than the lands or premises in respect of which the quota for producing turkey was fixed and allotted.

Marketing of Turkey

- S.6 (1) All turkeys shall be marketed on a quota basis.
- (2) No person to whom a quota has not been fixed and allotted for the marketing of turkey, or whose quota has been cancelled, shall market any turkey.
- (3) No person to whom a quota has been fixed and allotted for the marketing of turkey shall market any turkey in excess of such quota.
- (4) No person to whom a quota has been fixed and allotted for the marketing of turkey produced on lands or premises in respect of which such quota was fixed and allotted shall market any turkey other than the turkey produced on such lands or premises.

Licence Fees and Levies

- S.7 (1) Every person shall pay to the commodity board licence fees,
- (a) at the rate of \$0.015 per kilogram live weight only for each turkey produced and processed;
 - (b) **at the rate of \$0.0025** per kilogram live weight only for each turkey **marketed in relation** to the Ontario Generic Marketing Program.
- (2) Pursuant to the Commodity Boards and Marketing Agencies Act, the commodity board hereby fixes and imposes levies:
- (a) on producers at the rate of \$0.018 per kilogram live weight for each turkey produced and processed;
 - (b) **on producers at the rate of \$0.0125 per kilogram live weight only for each turkey marketed in relation to the National Generic Marketing Program.**
 - (c) **on processors at the rate of \$0.0125 per kilogram live weight only for each turkey marketed in relation to the National Generic Marketing Program.**
- (3) Any person who receives turkeys for processing shall deduct from the money payable for the turkeys any licence fees and levies payable to the commodity board by the person for whom the turkeys were received. Such licence fees and levies shall be forwarded to the commodity board at its office not later than the Friday of the week following the week in which the turkeys are processed.
- (4) Every person shall forward to the commodity board at its office any licence fees and levies payable by that person under subsection (1) that were not delivered and forwarded to the commodity board in the manner prescribed by subsection (2) in respect of turkeys processed in any week, not later than the Friday of the week following the week in which the turkeys are processed.
- (5) Any person who receives turkeys for custom **slaughter** is exempt from **subsection (2)**.
- (6) **In addition to the imposition of licence fees and levies as provided per subsections (1) through (5) above, in the case of organic producers:**
- (a) **Every organic producer shall pay to the commodity board licence fees at the rate of \$0.05 per kilogram of organic marketing quota allotted.**
 - (b) **The commodity board shall notify the organic producer by a statement setting out any organic licence fees payable.**

- S.7 (6) (c) Every organic producer shall pay to the commodity board any organic licence fees payable within 90 days of the date on the allocation notice and statement. Where any organic licence fees payable are not received by the commodity board within 90 days of the statement date, the organic marketing quota allotted by the board shall be revoked.
- (7) The commodity board may recover from any person by suit in a court of competent jurisdiction any licence fees and levies payable to the commodity board by that person.

Producer Reporting Requirements

- S.8 (1) Breeder and breeder replacement flocks are exempt from this section other than subsections (2), (3) and (4)(b).

Mortality

- (2) Every producer shall complete a true and accurate mortality report for each flock of turkeys produced.
- (3) Each report shall be retained by the producer and made available for inspection by the commodity board for a minimum of 24 months following shipment of the flock.
- (4) (a) (i) Any mortality above 8.00% for a flock of broilers shall be deemed to be abnormal;
- (ii) Any mortality above 8.50% for a flock of hens shall be deemed to be abnormal;
- (iii) Any mortality above 12.50% for a flock of toms shall be deemed to be abnormal;
- (b) When abnormal mortality occurs to a flock, a producer shall file a report with the commodity board at its office immediately and such report shall include such supporting documentation as may be required by the commodity board to verify the mortality claimed.

Flock Analysis Report

- S.8 (5) Every producer shall complete and file with the commodity board at its office, a true and accurate Flock Analysis Report on a form prescribed by the commodity board, not later than 45 days following **the last** shipment of the flock
- (6) All producers shall comply with the requirements of the Canadian Notifiable Avian Influenza Surveillance System (CanNAISS) administered by the Canadian Food Inspection Agency in accordance with the Health of Animals Act (Canada).

Live Export

- S.8 (7) No person shall produce or market live turkeys for export in excess of the amount of marketing quota allotted to them during a quota year and shall comply with the conditions as specified in the Turkey Farmers of Canada Export Policy, Section 3.
- (8) Any person producing turkeys for live export shall report to the commodity board as follows:
- (a) a prescribed placement form shall be completed and delivered to the commodity board not later than Friday of the week following the week in which the flock is placed **which shall indicate the destination of the processing plant where the flock is to be shipped.**
 - (b) a prescribed shipping form shall be completed and delivered to the commodity board not later than Friday of the week following the week in which the flock is shipped which shall **indicate where the flock was shipped and which shall be accompanied by all processor settlement documentation, including weight tickets and condemnation reports.**

Land & Buildings

- S.8 (9) (a) Every producer who has constructed a new turkey barn on the registered premises or made renovations or alterations to an existing turkey barn that changed the square footage on the registered premises, shall report such construction, renovations or alterations to the commodity board no later than 30 days following completion.
- (b) No producer shall place turkeys in a new turkey barn, or renovated or altered turkey barn, prior to reporting to the commodity board in accordance with paragraph (a).
- (c) Every producer shall report immediately to the commodity board the destruction of any turkey barn from whatever cause.

Producer Placement Report

- S.8 (10) Every person who receives poults from other than a licenced Ontario hatchery shall, not later than Monday next following receipt of such poults, shall file with the commodity board at its office, true and accurate documentation establishing the following information:
- (a) Name and address of Hatchery of origin;
 - (b) Port of entry;
 - (c) Date of placement;
 - (d) Quantity placed;
 - (e) Type placed.

Hatcheries and Hatchery Agents

- S.9 (a) The commodity board may suspend, revoke or refuse **or set terms and conditions** to renew a hatchery licence **or hatchery agent licence** if the hatchery or **hatchery agent** fails to observe or carry out the provisions of the Act, the regulations, orders or directions of the commodity board.
- (b) No hatchery **or hatchery agent** shall market more than 50 turkeys per calendar year to any person who is not a producer unless such person presents to the hatchery **or hatchery agent** a valid dealer licence issued by the commodity board.
- (c) No hatchery or hatchery agent shall market turkeys to a producer whose basic quota has been suspended or cancelled by the commodity board.
- (d) All turkeys marketed by a hatchery **or hatchery agent** to a person other than the holder of a valid dealer licence issued by the commodity board under section **10** (a) shall be released by the hatchery to the purchaser of those turkeys and to no other person.
- (e) Every hatchery **or hatchery agent** shall complete and file weekly with the commodity board at its office, a true and accurate Turkey Placement, Sales & Purchase report on a form prescribed by the commodity board **which shall include the number of poults and turkey eggs sold to other hatcheries or hatchery agents**.
- (f) Every hatchery shall complete and file by the Friday following the week of activity, a true and accurate Flock Detail and Movement Report on a form prescribed by the commodity board or a true and accurate copy of the Agriculture and Agri-Food Canada Hatchery Report.
- (g) A hatchery **or hatchery agent** shall report any change of name, address, phone number or business location to the commodity board within ten (10) business days of the date on which the change occurred.

Dealer

- S.10 (a) No dealer shall engage in the marketing of turkeys except under the authority of a licence issued by the commodity board.
- (b) The commodity board may suspend, revoke or refuse **or set terms and conditions** to renew a dealer licence if the dealer fails to observe or carry out the provisions of the Act, regulations, order or directions of the commodity board.
- (c) No dealer shall market more than 50 turkeys per calendar year to any person who is not a producer unless such person presents to the dealer a valid dealer's licence from the commodity board.
- (d) Every dealer shall distribute all turkeys in the dealer's possession within 21 days of the date of purchase.

- S.10 (e) All turkeys marketed by a dealer to a person other than the holder of a valid dealer licence issued by the commodity board under section **10** (a) shall be released by the dealer to the purchaser of those turkeys and to no other person.
- (f) Every dealer shall complete and file with the commodity board at its office, within 30 days of receipt of turkeys, a true and accurate Ontario Turkey Sales report on a form prescribed by the commodity board.
- (g) A dealer shall report any change of name, address, phone number or business location to the commodity board within ten (10) business days of the date on which the change occurred.

Processors

- S.11 (a) **Every person engaging in the slaughter of turkeys shall be required to hold a valid and subsisting processing licence** issued by the commodity board.
- (b) The commodity board may suspend or revoke or refuse **or set terms and conditions** to renew a processor licence if the processor fails to observe or carry out the provisions of the Act, regulations, orders or directions of the commodity board.
- (c) A processor shall report any change of name, address, phone number or business location to the commodity board within ten (10) business days of the date on which the change occurred.
- (d) Every **processor** that custom **slaughters** turkeys **for persons** shall complete and file with the commodity board at its office, a true and accurate report of all turkeys slaughtered on a form prescribed by the commodity board not later than the 7th day of the month following the month in which the turkeys were slaughtered.

Posting of Licence

- S.12 Every holder of a hatchery licence, **hatchery agent licence**, dealer licence or processor licence shall post same in a conspicuous place in the licensee's place of business and maintain it so posted so long as the licence remains in effect.

Purchase and Sale of Turkeys

- S.13 (a) Any person who produces turkeys shall offer to sell and sell turkeys to or through the commodity board.
- (b) No person shall process, pack or package any turkeys that have not been sold to, by or through the commodity board.
- (c) Unless otherwise exempted, no processor shall purchase or acquire any turkeys from any person to whom the commodity board has not fixed and allotted a quota for the marketing of turkeys.
- (d) The terms and conditions relating to the marketing of turkeys prescribed by this regulation shall apply to and form part of every agreement pertaining to the purchase and sale of turkeys.
- (e) Where a term or condition prescribed in this regulation is at variance with a term or condition in such agreement, the term or condition of this regulation shall prevail.

Payment

- S.14 (a) Every buyer shall pay to the producer the purchase price for all turkeys received at the premises of a producer in accordance with subsection (c) hereof other than turkeys condemned in accordance with regulations administered by the Canadian Food Inspection Agency under the Health of Animals Act (Canada) **and Meat Inspection Act (Canada)** at the plant of the processor and by reason of:
- (i) respiratory conditions;
 - (ii) **sub-cutaneous conditions;**
 - (iii) leg conditions;
 - (iv) skin conditions
 - (v) abdominal conditions;
 - (vi) liver conditions;
 - (vii) emaciation;
 - (viii) dark coloured.
- (b) Condemnation of turkeys shall be determined by either an Inspector of the Meat Inspection Division of the Canadian Food Inspection Agency or the Ontario Ministry of Agriculture, Food and Rural Affairs, which inspector shall issue a Certificate of Condemnation to the processor.
- (c) A buyer shall pay the purchase price for turkeys delivered to them by a producer not later than Friday of the week following delivery of such turkeys, by the producer to the buyer.

- S.14 (d) When a buyer receives notice of an assignment by a producer of all or any part of the purchase price payable to the producer for turkeys, the buyer shall pay that part of the purchase price assigned, to the assignee within seven days after the turkeys are delivered by the producer to the buyer.
- (e) The prices to be paid by a buyer to a producer for turkeys shall be not less than the minimum prices from time to time determined by the commodity board, that are in effect at the time that the turkeys are delivered to the buyer at the premises of the producer.

Reporting Requirements

- S.15 (1) Subject to subsection (2), every buyer shall, in respect of turkeys received from producers in any week, file with the commodity board at its office, not later than Friday of the week following delivery, true copies of the following:
- (i) All producer shipping receipt forms;
 - (ii) All truckers load-out reports;
 - (iii) All certificates of condemnation;
 - (iv) All weight tickets verifying the correct time, date, tare, gross and net weight of **live turkeys**;
 - (v) **Flock Information Reporting Forms**
 - (vi) Producer's settlement statements showing in respect of each producer, the number of loads of turkeys delivered by the producer, total head and weight of each load, the placement date, percentage A grades **of turkeys**, the full purchase price paid to the producer in respect of each flock **of turkeys**, the live price per kilogram paid for the turkeys, the deductions, if any, therefrom, and the net amount paid to the producer.
- (2) Every buyer is exempt from subsection (1) if less than 5,000 kilograms of turkey is processed by the buyer from all turkeys marketed to the buyer by a producer in a quota period. The buyer shall determine the amount of kilograms of turkey processed by using an 82% eviscerated utilization percentage with respect to turkey marketed by the producer to the buyer.
- (3) (a) Each producer or a duly authorized representative of the producer for whom the producer shall be responsible shall complete and sign a true and accurate Producer Shipping Receipt Form for each load of turkeys to be marketed, prior to the transporting of such turkeys from the registered premises and shall maintain the white copy of the Producer Shipping Receipt form at the producer's registered premises for a minimum of twenty-four (24) months from the date of shipment.

- S.15 (3) (b) Every processor, before accepting turkeys from a trucker or producer, shall receive from the trucker or the producer, as the case may be, the yellow and pink copy of a completed Producer Shipping Receipt form and maintain at the processor's premises the pink copy and file with the commodity board at its office, the yellow copy not later than the Friday of the week following the week in which the turkeys were received by the processor.
- (4) **Any transportation accidents involving a load of turkeys which has resulted in significant injury or death to any of the turkeys shall be reported immediately by the buyer and processor to the commodity board office.**

Weighing

- S.16 (1) (a) All scales used for the marketing of turkeys must be inspected annually by an authorized service provider of Weights and Measures Canada. A Weights and Measures Inspection Certificate must be issued by the authorized service provider for the scale to be deemed acceptable by the commodity board.
- (b) A producer shall be entitled to designate the closest suitable and available government inspected scale that has a current Weights and Measures Inspection Certificate as the place at which turkeys shall be weighed, by giving notice to the buyer before the time of delivery of the turkeys.
- (c) If a producer fails to notify the buyer of the place at which turkeys shall be weighed, the turkeys shall be weighed at such place as the buyer shall elect.
- (d) A producer that designates such scale in S.16(1)(b) shall submit a copy of the Weights and Measures Certificate annually upon scale certification to the commodity board office.
- (e) The producer or a duly authorized representative of the producer for whom the producer shall be responsible must accompany all loads of turkeys to the scale designated in S.16(1)(b) to ensure the scale is free and clear of snow and debris on the surface and underneath and the truck and/or trailer is positioned properly on the scale.
- (f) All weight tickets shall be **in kilograms**, mechanically printed with the correct time and date. The producer or designate of choice shall record on the weight ticket the tractor and trailer numbers and the number of turkeys, provided that **if the tractor and trailer are not numbered, then the licence plate numbers of the vehicles and trailers shall be recorded.**
- (2) (a) Subject to paragraph (b), the buyer, on making payments therefore, shall make the following deductions in the weight of the turkeys:
- (i) If there is more than a twelve-hour period after weighing and prior to 7 a.m. on the day of slaughter, the settlement shall provide for a shrink allowance of 2 percent of the weight.

- S.16 (2) (a) (ii) If the weighing is between six and twelve hours prior to 7 a.m. on the day of slaughter, the settlement shall provide for a shrink allowance of 1 percent of the weight.
- (iii) If the weighing is within six hours of 7 a.m. on the day of slaughter, there shall be no shrink allowance.
- (b) Unless a buyer notifies a producer of the time at which the turkeys are scheduled to be slaughtered, at least 24 hours prior to the delivery of any load of turkeys to the buyer, there shall be no shrink allowance in respect of such load of turkeys.
- (3) Where the turkeys are purchased on a plant weight basis and arrive at the plant of a buyer:
- (a) Before 7 a.m., the turkeys shall be weighed not later than 7 a.m.;
- (b) At or after 7 a.m., the turkeys shall be weighed immediately after arrival.
- (4) (a) Where the turkeys are weighed at the plant, the fuel tank of the truck transporting the turkeys shall be full when the truck is being weighed empty and when the truck is being weighed loaded with turkeys. The buyer or their agent shall make accurate allowances for the tare weight of the vehicle, fuel, **liner bins or modules** and driver for the purpose of determining the weight of the turkeys.
- (b) For the purpose of making accurate allowance for the tare weight of the empty truck and crates under subsection (a), the truck and **liner bins or modules** shall be weighed,
- (i) when dry; or
- (ii) immediately prior to the departure of the truck from the processors' premises to take delivery of the turkeys.
- (5) The **live haul** tractor and trailer must be weighed together or the trailer alone or, in the **alternative, if a shunting vehicle is used at the yard of the buyer or processor, then the same shunting vehicle shall be used to weigh turkeys when arriving at the yard of the buyer/processor for each load of live turkeys.**
- (6) The buyer or their agent shall ensure that the correct time and date of weighing is on tare and gross weight tickets, sign the weight tickets and deliver true copies thereof to the producer. The buyer or their agent shall attach true copies of the tare and gross weight tickets **for plant weights and producer designated scale, if used** to the buyers' settlement statement.

- S.16 (7) The buyer shall submit a copy of the Weights and Measures Certificate of all scales used in the marketing of turkeys by the buyer annually upon scale certification to the commodity board office.
- (8) **Every buyer/processor shall designate an alternate scale to weigh loads of live turkeys in case of a malfunction to their primary scale.**
- (9) **Every producer and buyer/processor shall upon request by an appointed inspector immediately re-weigh any turkeys.**

Delivery

- S.17 (1) (a) A producer shall provide adequate means of access to turkeys at the producer's premises in accordance with the commodity board's Guidelines for Producer Premises.
- (b) A producer shall provide adequate labour and supervision in delivering turkeys to employees of a transporter taking delivery of turkeys at the premises of the producer and the producer shall be liable for the cost of such labour and supervision, but a producer is **not responsible or liable** for any labour of the employees of the transporter in assisting in the loading of turkeys.
- (c) A producer shall be liable for any loss or damage sustained by the buyer for failure to comply with subsection (a) or (b).
- (2) A buyer shall accept delivery from the producer of all turkeys that they have agreed to purchase from the producer that are not in excess of the marketing quota allotted by the commodity board.
- (3) Turkeys shall be at the sole financial risk of a buyer at the time that turkeys are delivered by a producer to the buyer or their agent; **all turkeys shall be purchased and sold Freight on Board (F.O.B) at time of receipt.**
- (4) A buyer shall give to a producer at least 72 hours notice of the time at which the buyer will be taking delivery of turkeys.

Record Retention

- S.18** A producer shall retain at the producer's premises and make available for inspection by the commodity board for a minimum of twenty-four (24) months following each shipment of turkeys, the following records and reports respecting such turkeys:
- (a) mortality reports;
 - (b) any veterinary documentation pertaining to each flock;
 - (c) producer shipping receipt forms;
 - (d) trucker load-out sheets;
 - (e) weight tickets
 - (f) settlement statements
 - (g) Flock Information Reporting Forms**
 - (h) Condemnation Certificates**

Non-Fulfilment

- S.19** **Either party to an agreement shall be excused for non-performance of some or all of their respective obligations under the agreement by reason of force majeure.**

Seizure, Detention, Release and Disposal of Turkeys

- S.20** (a) Where a person appointed by the commodity board to carry out the duties of an inspector pursuant to Section 3(1) (g) of the *Farm Products Marketing Act*, R.S.O. 1990, believes on reasonable grounds that an offence against said *Act* or the regulations made thereunder has been committed in respect of turkey, they may seize and detain the whole or any part of said turkey.
- (b) Where the commodity board is satisfied that the owner of the turkey which has been seized and detained is complying with the *Farm Products Marketing Act* or the regulations made thereunder respecting the seized turkey, the commodity board may release from detention the whole or any part of the turkey.
- (c) Where the commodity board determines that it is necessary to dispose of the whole or any part of the turkey that has been seized or detained under the provisions of this regulation, the commodity board may effect the disposal thereof, and any money derived from such disposal may be used by the commodity board to stimulate, increase and improve the producing or marketing of turkey by such means as the commodity board considers proper.

Penalties

- S.21 (a) In addition to or as an alternative to such other remedies as it has available to it, the commodity board may impose a penalty on any applicant for a licence or a licensee who it finds, after a hearing, has contravened any term or condition of a licence or any provision of the Act, the Regulations, any Plan or any Order or Direction of the commodity board.
- (b) Subject to the Act, any penalty imposed under subsection (a) may be in an amount, as determined by the commodity board, to remove any advantage gained by the party in contravention and to fully reimburse the commodity board for any of its expenses and costs associated with the investigation, hearing and disposition of the matter, including, but not limited to, staff time, board member costs, legal and accounting fees and disbursements.
- (c) The commodity board will use any such penalty monies for the payment of its expenses as aforesaid, with any surplus to be used for its general purposes.
- (d) **Any person who fails to pay licence fees, levies or any other fees or charges imposed by the commodity board shall be subject to such late payment penalties and interest charges of 2% per month and commencing on the Friday of the week following the week of slaughter.**

Prescribed Forms

- S.22 The commodity board will prescribe forms for use in connection with its regulations and quota policies from time to time. **(See Appendix A)**

General Powers of the Board Under the *Farm Products Marketing Act*

- S.23 Pursuant to the Act and Regulation 437, R.R.O. 1990, as amended, the commodity board may:
- (a) licence all persons commencing or continuing to engage in the producing or marketing of turkeys, in such manner as it deems appropriate;
- (b) prohibit persons from engaging in the producing or marketing of turkeys except under the authority of a licence;
- (c) refuse to grant a licence where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made;
- (d) suspend, revoke or refuse to renew, a licence for failure to observe, perform or carry out the *Farm Products Marketing Act*, the regulations, the plan or any order or direction of the commodity board;

- S.23
- (e) require any person who produces and processes turkeys to furnish to the commodity board statements of the amounts of turkeys produced in any year and used for processing;
 - (f) exempt from any or all of the regulations, orders or directions under the plan any class, variety, grade or size of turkeys, or any person or class of persons engaged in the producing or marketing of turkeys, or any class, variety, grade or size of turkeys;
 - (g) provide for the control and regulation of agreements entered into by producers of turkeys with persons engaged in marketing or processing turkeys, and prohibit any provision or clause in such agreements;
 - (h) require any person who produces turkeys to offer to sell and to sell turkeys to or through the commodity board;
 - (i) prohibit any person from processing, packing, or packaging any turkeys that have not been sold to, by or through the commodity board;
 - (j) provide for the making of agreements relating to the marketing of turkeys by or through the commodity board and prescribe the forms and the terms and conditions of such agreements.

Overmarketing Levies

- S.24
- (1) Every producer other than a breeder operator who in a quota period markets turkeys in excess of the marketing quota fixed and allotted to that producer shall pay levies to the Commodity Board at the rate of **40 cents** per kilogram live weight in excess of that quota.
 - (2) Every breeder operator whose sole production is turkey hatching eggs is exempt from subsection (1).
 - (3) Every breeder operator under subsection (2) who, in a quota period, markets turkey in excess of the marketing quota fixed and allotted to that breeder operator, shall pay levies to the commodity board at the rate of **60 cents** per kilogram live weight in excess of that quota.
 - (4) Notwithstanding the provisions of subsection (3), every breeder operator who has also been allotted commercial quota and who, in a quota period, markets turkey in excess of the marketing quota allotted to that producer, shall pay levies to the commodity board pursuant to the following calculations:
 - (i) **60 cents** per kilogram live weight in excess of the marketing quota based on 15% of that producer's marketing of breeder turkeys in the quota period: and

- S.24 (4) (ii) if there remains any marketings in excess of the marketing quota after application of (i), a further penalty shall be assessed in accordance with subsection (1) and section **20**(1) of the Board's Quota Policy Statement.

Annual Category Overmarketing Levies

- S.25 In addition to the imposition of annual over marketing levies as provided above, a producer shall be assessed an annual category over marketing levy as set out herein effective for all quota periods.
- (a) A producer shall pay to the commodity board, a levy at the rate of **15** cents per kilogram live weight on the aggregate of broiler and hen turkeys marketed in excess of the aggregate of broiler and hen net marketing quota allotted to them, provided that such producer shall be allowed a 2% sleeve on such net marketing quota, with the levy to be imposed only on the portion of overmarketings in excess of the sleeve.
 - (b) A producer shall pay to the commodity board, a levy at the rate of **15** cents per kilogram live weight on the quantity of tom turkeys marketed in excess of the **tom and breeder turkeys** net marketing quota allotted, provided that such producer shall be allowed a 2% sleeve on such net marketing quota, with the levy to be imposed only on the portion of over marketings in excess of the sleeve.
 - (c) A producer with only one category of basic quota that markets in excess of that category will be exempt from the terms and conditions of **26** (a) and (b).
 - (d) A breeder operator will be exempt from the terms and conditions of **26**(a) and (b).

Turkey Farmers of Canada Policies:

Allocation, Export, Multiplier Breeder, Primary Breeder

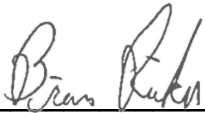
- S. 26 The Turkey Farmers of Ontario (TFO) is obligated to ensure compliance with the Turkey Farmers of Canada (TFC) policies. The TFO may require such additional information it considers to be appropriate to monitor compliance and it be submitted to the commodity board on forms prescribed by the commodity board in addition to the requirements as set out in the national policies.

Revocation

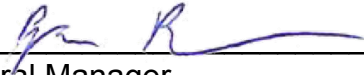
S.27 General Regulations – 2015 are revoked as of the 15th day of May, 2019 and this General Regulation is substituted therefore provided that such revocation shall not affect the previous effect of said regulations or anything done or suffered thereunder or any right, privilege, obligations or liability acquired, accrued, accruing or incurred under said regulations or any offence committed against said regulations or any penalty or forfeiture or punishment incurred in respect thereof or any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty or forfeiture or punishment as aforesaid.

BY ORDER OF TURKEY FARMERS OF ONTARIO

DATED at Kitchener, this 15th day of May, 2019.



Chair



General Manager

Appendix A

Turkey Farmers of Ontario Prescribed Forms

Ontario Turkey Sales Report (Dealers)

Ontario Turkey Custom Slaughter Report

Ontario Turkey Live Turkey Export Form

Ontario Turkey Poult Placement Form (Hatcheries & Hatchery Agents)

Flock Analysis Report

Form 81 (A) Application to Transfer Basic Quota Form (Transferor)

Form 81 (B) Application to Transfer Basic Quota Form (Transferee)

Application for Licence to Slaughter Turkeys

Application for Dealer Licence to Sell Turkey Poults

Application for Hatchery or Hatchery Agent Licence

Application for Lease of Registered or Unregistered Premises

Turkey Farmers of Ontario Remittance Form

Producer Placement, Slaughter Report & Marketing Quota Information Release Form

Producer Shipping Receipt Form

Breeder Placement Report

Breeder Flock Movement Report

Breeder Flock Close Out Report

Multiplier Breeder Declaration Form

Flock Information Reporting Form

Flock Detail and Movement Report

Abnormal Mortality Report