

Chicken Farmers of Ontario

Regulation No. 2328 – 2010

Made under: The Farm Products Marketing Act

Effective January 1, 2011

SMALL FLOCK AND FARM GATE MARKETING

INTERPRETATION

1. In this Regulation,
 - a) “*Custom processing*” means processing of chicken pursuant to an arrangement whereby the person who produced the chicken receives the chicken after processing and retains ownership to and title in the chicken;
 - b) “*Exempt grower*” means a person registered with the Board and permitted by the Board to produce and market no more than 300 chickens on an annual basis while being exempted from the requirement of being fixed and allotted a quota by the Board for the producing and marketing of chicken;
 - c) “*Hatchery*” means a facility which hatches or markets chicks;
 - d) “*Small Grower Registry*” means the online small grower database maintained by Chicken Farmers of Ontario on its website;
 - e) “*Processor*” means a person who slaughters chicken and who is licenced by the Board and possesses a valid federal or provincial meat inspection licence;
 - f) “*Producing*” means having the care, control or possession of chicken and “*produced*”, “*produce*” and “*production*” have corresponding meanings;
 - g) “*Premises*” means the lands and buildings appurtenant thereto upon which chicken is produced and from which chicken is marketed by an exempt grower;
 - h) “*Marketing*” includes advertising, assembling, buying, financing, offering for sale, packing, processing, selling, shipping, storing, transporting and weighing, and “*market*” and “*marketed*” have corresponding meanings;
 - i) “*Infectious poultry disease*” means a disease to which chicken is susceptible and which can be transmitted to chicken and includes, but not limited to, Avian Influenza, Newcastle Disease, Fowl Typhoid, Pullorum and Infectious Laryngotracheitis;

Other words and phrases used in this regulation shall have the same meaning as found in Regulation 2070-2005 made by the Board.

APPLICATION

2. This Regulation provides for the control and regulation in any and all respects of the production and marketing within Ontario of chicken, including the prohibition of such production and marketing in whole or in part.

EXEMPT GROWER

3. A person who completes a Form 300 or provides all information to a Hatchery to complete a Form 300 and the Form 300 is filed with Chicken Farmers of Ontario shall be deemed to be registered as an Exempt Grower under this regulation.

PRODUCTION OF CHICKEN

4. An exempt grower may produce chicken without first being fixed and allotted a quota by the Board to produce chicken.

5. No more than 300 chickens may be produced by the exempt grower in each calendar year.

6. Once a premises has been utilized for the production of chicken in a calendar year, it may not be used again for such purpose by the exempt grower or any other person until the following calendar year.

7. Every exempt grower shall pay to the Board a service charge in an amount to be determined by the Board from time to time.

8. Every exempt grower shall produce chicken in accordance with the Canadian Food Inspection Agency publication "*Bird Health Basics: How to Prevent and Detect Disease in Backyard Flocks and Pet Birds*"

9. Every exempt grower who suspects the presence of an infectious poultry disease on the premises where the chicken is being produced, shall:

- a) consult immediately with a qualified veterinarian;
- b) immediately notify Chicken Farmers of Ontario;
- c) restrict movement to and from the registered premises as much as reasonably possible
- d) and whenever feasible;
- e) keep a record of visitors and all movement on and off the premises;
- f) isolate the chicken from other livestock as much as reasonably possible.

OPTION TO MARKET CHICKEN

10. An exempt grower may market chicken without first being fixed and allotted a quota by the Board to market chicken, provided that:

- a) no more than 300 chickens are marketed;
- b) only chicken produced at the premises may be marketed;
- c) all chicken shall be marketed at the premises and to purchasers who attend at the premises and purchase the chicken for their personal consumption;
- d) all chicken shall be marketed on or before December 31, in each year.

11. No exempt grower may sell or offer to sell chicken to a processor or any person engaged in the business of purchasing or selling chicken.

12. Every exempt grower is solely responsible for all compliance with all other federal, provincial, territorial, regional, municipal or other governmental boards or agency requirements, including but not limited to, environmental and food safety regulations pertaining to the production or marketing of chicken and any requirement of a local health authority with regard to the storage, handling and sale of chicken.

13. All production and marketing of chicken by an exempt grower shall be solely at the risk and expense of such exempt grower who is responsible for any claims arising from the production or marketing of chicken, including but not limited to product liability claims.

HATCHERY INFORMATION

14. Every hatchery at the time of sale of chicks shall complete a Form 300 and provide the exempt grower with a true copy thereof in relation to the chicks being purchased. The hatchery shall ensure that the Form 300 is complete and accurate in all respects including:

- a) the emergency or street number, road name, township or city and, postal code of the premises where the chicken is to be produced, and
- b) contact last name, first name, home phone number, alternate number (cell phone, work phone), fax number and email address and if different from the premises where the chicken is produced, mailing address consisting of street name and number, city, province and postal code.

15. The exempt grower shall ensure that the information provided to the Hatchery for the purpose of completing a Form 300 is complete and accurate in all respects. Every hatchery shall report the sale of chicks to the Board by completing a Form 300 electronically on Chicken Farmers of Ontario's website at the time the chicks are sold or within one week of the date of

sale by completing and filing a weekly Broiler Placement Report in Form 1A or Form 1B together with a copy of the Form 300, as applicable.

CUSTOM PROCESSING INFORMATION

16. Every exempt grower who has chicken custom processed shall provide a complete and accurate true copy of the Form 300 to the processor with respect to the chicken being custom processed prior to the chicken being custom processed. The processor shall retain the copy of the Form 300 for a period of two years from the date of processing and make it available for inspection upon request by and Inspector appointed by the Board under section 3(1)(g) of the Farm Products Marketing Act.

INSPECTIONS

17. Persons duly appointed by the Board may;
- a) inspect the books, records, documents, lands and premises and any chickens of persons engaged in producing or marketing chickens; and
 - b) enter on lands or premises used for the producing of chickens and perform a count of chickens.

FAILURE TO COMPLY

18. The Board may terminate the exemption provided to an exempt grower pursuant to this Regulation in the event such exempt grower is found to have contravened any or all of the provisions of this Regulation or any other regulation, policy, order or direction of the Board.

PERIODIC REVIEW

19. This Regulation may be reviewed by the Board at any time and may be revised or revoked as the Board may deem appropriate.

REVOCATION

20. CFO Regulation No. 2228-2008 is revoked effective the 1st day of January, 2011.


EFFECTIVE DATE

21. This regulation is effective on the 1st day of January, 2011.

BY ORDER OF Chicken Farmers of Ontario.

DATED at Burlington, Ontario, this 16th day of November, 2010.


Board Chair


Board Secretary