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# **Egg Farmers of Ontario Policies, Programs & Procedures 2011**

## **SECTION 7: Field Policies**



## Flock Count Policy

### **INTERPRETATIONS:**

For the purposes of this Operational Policy:

**'EFO Inspectors'** are employees of the Egg Farmers of Ontario whose primary function is to monitor quota holder flocks and non-quota flocks.

**'egg quota'** a quota for producing and a quota for marketing the maximum number of eggs that the quota holder is entitled to market.

**'regulated hens / laying hen'** refers to hens, eggs or producers that fall under the national domestic quota allocation and monitoring program.

### **APPLICATION:**

Egg Farmers of Ontario [EFO] Inspectors visit egg farmers in Ontario, [in their assigned territory] at pre-determined [based on flock placement date and age of the birds] intervals to physically count the number of birds on the premises to ensure that no farmer has, at any time, birds in excess of the allowable quota plus any applicable credit or allowance. EFO's Inspectors hold Certificates of Appointment pursuant to The Farm Products Marketing Act Regulation 407 Eggs-Marketing authorizing the Inspectors to:

- [a] inspect the books, records, documents, lands and premises and any chicks-for-placement, eggs, hatching eggs, and fowl of persons engaged in producing or marketing of chicks-for-placement, eggs, hatching eggs or fowl; and
- [b] enter on lands or premises used for the producing of chicks-for-placement, eggs, hatching eggs, or fowl and to perform a count of the chicks-for-placement, eggs, hatching eggs or fowl therein.

EFO's Inspectors are designated Provincial Offences Officers, made under the Provincial Offences Act [signed by the Minister of Agriculture, Food & Rural Affairs, May 9, 2007].

Farmers are required by law to permit these inspections. EFO's Inspectors may perform flock counts on regulated hens at any time.

### **FLOCK COUNTS:**

#### **INITIAL [Mandatory] FLOCK COUNTS ~**

EFO Inspectors attend all Ontario egg production facilities to ensure that a physical count is conducted of all new flocks on or about 23 weeks, kept within the Province of Ontario.

#### **SECOND [Mandatory] FLOCK COUNTS ~**

EFO Inspectors attend all Ontario egg production facilities to ensure that a count [either record or actual] is conducted of all regulated hens, kept within the Province of Ontario between the ages of 35 and 40 weeks.

#### **DOUBLE FLOCK COUNTS ~**

While performing the mandatory count of new flocks, EFO Inspectors will also perform a count on the other flock housed at the egg producer's facility.



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## **FLOCK COUNT POLICY CONTINUED**

### **MULTI FLOCK OPERATION ~**

With respect to a multi-flock operation, when EFO Inspectors are performing an actual count on the new flock [mandatory flock count]; they may also count additional flocks [at random]. Along with the actual count records, the Inspector copies the farmer's count records of all additional flocks.

### **SINGLE FLOCK OPERATION ~ MORTALITY ALLOWANCE PROGRAM**

Under the Mortality Allowance Policy program, single flock owners "all in and all out" facilities will be allowed up to a one [1%] percent mortality figure, when the barn is being filled.

### **ADDITIONAL FLOCK COUNTS ~**

EFO Inspectors perform a physical count on regulated hens housed at facilities when all or a portion of the quota is being sold by the farmer.

### **SEMI ANNUAL COUNTS ~**

EFO Inspectors may perform semi-annual counts [Spring & Fall] of all flocks housed by large quota holders.

### **S.e. TESTING ~**

S.e. testing is performed on 60-week old flocks, with the necessary documentation and testing conducted in accordance with the Rules & Procedures, as set by the Egg Farmers of Ontario.

## **COMPLIANCE PROCEDURES ~**

### **Phase I**

In the event that EFO's Inspector determines that a farmer is 'over' the quota fixed and allotted by the Egg Farmers of Ontario, after taking into account any applicable credit or allowance, EFO's Inspector will invoice the farmer with an over quota levy of \$2.00 per week per regulated hen in excess of quota fixed and allotted plus any applicable credit or allowance. The penalty for being over quota will be a reduction in quota double the amount of birds found to be in excess of the farmer's total production allotment for one year. EFO's Inspector will notify the Board Office forthwith of any discrepancies revealed by the inspection. EFO's Inspector will return to the facility in seven to ten days to perform a second count to ensure the flock[s] are within quota.

### **Phase II**

EFO's Inspector returns to the farmer's facilities within 7 to 10 days for the purpose of performing a second count. In the event that EFO's Inspector determines the farmer is still over quota, the farmer will be subject to a Hearing before the Board and the Board may cancel, reduce, refuse to issue, or decrease the farmer's quota.

### **RECORDS:**

EFO Inspectors record all pertinent flock information on Egg Farmers of Ontario's prepared Count & Information sheets and file same with the Board Office.



## Inspection and Enforcement Policy

### **INTRODUCTION:**

EFO operates under the powers and authority granted to it under the *Ontario Farm Products Marketing Act* [FPMA] and the regulations established under this Act. The purpose of the Act is to provide for the control and regulation of producing and marketing farm products. Egg production rules and enforcement of these rules must conform to the requirements of the Act.

### **PRINCIPLES:**

In Ontario, anyone may keep up to 100 laying hens [or up to 500 laying hens under the Grandfather Flock Policy] for egg laying purposes without a licence and a quota. Anyone raising more than 100 laying hens for egg laying purposes must hold a valid quota and is not permitted to keep more laying hens than their quota allows.

### **COMPLIANCE:**

All eggs sold in Ontario must be graded by an approved egg grading station. Farmers are allowed to sell ungraded eggs at the farm where they are produced directly to customers for their own personal consumption. All other eggs must go through the proper grading and packaging process.

Farmers are required to remit appropriate licence, levies and marketing fees to EFO on all eggs sold.

### **GENERAL AUTHORITY UNDER THE ONTARIO FARM PRODUCTS MARKETING ACT ALLOW FOR:**

- The inspection of facilities producing a regulated farm product
- The investigation of both quota-holding and non-quota holding producers when there is reasonable grounds to suggest they are producing a regulated commodity in violation of marketing board rules, and
- Enforcing the rules by taking various actions against producers who are operating in violation of those rules.

### **DUTIES & AUTHORITY OF EFO INSPECTORS:**

- Inspection of production facilities (lands and barns/egg laying facilities)
- Inspection of egg grading facilities
- Inspection of vehicles carrying eggs or fowl
- Inspection of premises selling eggs or fowl
- Inspection of documents and records
- Counting of birds and eggs
- Obtaining samples relevant to the production and marketing of eggs
- Investigations, when there are reasonable grounds to believe that an offence under the Act or regulations has been committed. Under an investigation, Inspectors have the authority to:
  - Search egg production facilities for evidence of violations of the rules;
  - Search egg grading stations for evidence of violations of the rules;
  - Search vehicles for evidence of violations of the rules;
  - Seize evidence including birds, eggs and documentation.

EFO Inspectors have the authority under the Act to inspect any facility where they believe non-quota birds are being housed or where eggs are being illegally sold. If obstructed from conducting their inspection duties, an Inspector may obtain a search warrant.



## **INSPECTION AND ENFORCEMENT POLICY CONTINUED**

### **RESPONSIBILITIES AND OBLIGATIONS OF EGG FARMERS:**

- Permit inspection of land, premises and regulated products by EFO Inspectors.
- Permit measurements of lands or premises where laying hens are possessed.
- Permit Inspectors to count fowl and/or pullets and/or eggs.
- When requested by an Inspector, to produce all records and documentation with respect to laying hens and/or eggs.
- Remit all applicable reporting forms and marketing fees, licence fees and levies.

### **RESPONSIBILITIES AND OBLIGATIONS OF EFO:**

- Conduct all inspections as considered necessary for compliance purposes.
- Inspectors conduct full investigations of those found to be in violation of EFO rules and report those findings to EFO's Board of Directors for action.
- To provide notice to those who, on inspection, are found to be in violation of EFO rules. Such notification includes:
  - the specific offences found at the time of inspection;
  - the corrective actions and recourse available to the offender;
  - the penalties that may be applied for the offence(s).
- Conduct Hearings where contraventions of regulations or policies are alleged or where special consideration is requested. Decisions arising from an EFO Board Hearing may be appealed to the [Ontario] Farm Products Appeal Tribunal.

Those found to be operating outside EFO's quota and licence system (non-quota holders) are subject to prosecution under the Farm Products Marketing Act.

### **ACTIONS THAT MAY BE APPLIED TO THOSE IN VIOLATION OF EFO RULES UNDER THE ONTARIO FARM PRODUCTS MARKETING ACT, COMMODITY BOARD & MARKETING AGENCIES ACT & LIVESTOCK AND LIVESTOCK PRODUCTS ACT:**

- Quota-holding farmers can be called for a Hearing before EFO's Board of Directors.
- Orders can be issued by EFO's Board of Directors, instructing the offender to take corrective action.
- EFO can seize birds, hatching eggs or table eggs at the time of inspection or investigation, or subsequent to that, where there are reasonable grounds to believe an offence has occurred.
- EFO can detain or dispose of seized birds or eggs and deduct monies owed from any proceeds.
- Monetary penalties may be applied
- Quota can be cancelled, reduced or a transfer can be refused.
- Charges under the Farm Products Marketing Act can be laid with fines on conviction of up to \$2,000 per day for a first offender and up to \$10,000 a day for a second offender.
- Civil action against the offender can be taken

**Important Note:** *This information sheet has been produced for general information purposes only. For comprehensive information on regulatory and legal authority and procedures, readers must refer to the Farm Products Marketing Act (Ontario), Commodity Boards & Marketing Agencies Act; Livestock and Livestock Products Act; and Egg Farmers of Ontario Plan, Regulations, Policies and Procedures.*