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Summary

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M.O., 2007

Order of the Minister of Sustainable Development, Environment and Parks dated 26 September 2007

Environment Quality Act
(R.S.Q., c. Q-2)

MAKING the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere

THE MINISTER OF SUSTAINABLE DEVELOPMENT, ENVIRONMENT AND PARKS,

CONSIDERING section 2.2 of the Environment Quality Act (R.S.Q., c. Q-2), according to which the Minister of Sustainable Development, Environment and Parks may make regulations determining what information, other than personal information, a person or a municipality is required to provide regarding an enterprise, a facility or an establishment that the person or municipality operates;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* dated 1 March 2006, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), of a draft of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, with a notice that the Regulation could be made by the Minister of Sustainable Development, Environment and Parks on the expiry of 60 days following the publication;

CONSIDERING the comments received;

CONSIDERING that it is expedient to make the draft Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, attached as a Schedule, is hereby made.

Québec, 26 September 2007

LINE BEAUCHAMP,
Minister of Sustainable Development, Environment and Parks

Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere

Environment Quality Act
(R.S.Q., c. Q-2, ss. 2.2, 109.1 and 124.1)

DIVISION I
SCOPE, PURPOSE AND INTERPRETATION

1. This Regulation applies to every operator whose enterprise, facility or establishment emits a contaminant listed in Schedule A into the atmosphere at a level that is equal to or greater than the reporting threshold prescribed for the contaminant.

The provisions of this Regulation apply in a reserved area or an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

2. In the perspective of ensuring supervision of the quality of the environment in relation to phenomena that increase the greenhouse effect, acid rain, smog and toxic pollution, this Regulation determines the thresholds over which enterprises, facilities or establishments are required to report their emissions in relation to the contaminants associated with those phenomena. It also determines the information to be provided, including confidential information that is necessary to calculate the quantity of the contaminants emitted, such as data pertaining to production, fuels, raw materials, equipment and processes.

3. In this Regulation,

(1) "total fluorides" means the sum of fluorides emitted as gases and fluorides emitted as particles;

(2) "Minister" means the Minister of Sustainable Development, Environment and Parks;

(3) "process" means any method, reaction or operation through which the matter treated undergoes a physical or chemical change in the same production line and includes all successive operations on a single matter bringing about the same type of physical change;

(4) "reporting threshold" means the quantity of a contaminant or a category of contaminants emitted by an enterprise, facility or establishment, expressed in refer-

ence to certain parameters, in excess of which the operator of the enterprise, facility or establishment must report its emission level to the Minister under the provisions of this Regulation or to the Minister of the Environment of Canada under subsection 5 of section 46 of the Canadian Environmental Protection Act (1999) (S.C. 1999, c. 33).

DIVISION II
STANDARDS FOR MANDATORY REPORTING OF CERTAIN EMISSIONS OF CONTAMINANTS INTO THE ATMOSPHERE

4. Every person or municipality operating an enterprise, facility or establishment that emits a contaminant listed in Part I of Schedule A into the atmosphere in a quantity that exceeds the reporting threshold set out in that Schedule for the contaminant or category of contaminants must, not later than 1 June of each year, communicate to the Minister the quantity of each of the contaminants listed in Part I of Schedule A that the facility, establishment or enterprise emitted into the atmosphere in the preceding calendar year.

The information must include any data pertaining to production, fuels used and raw materials relevant to the calculation or assessment of the quantities of contaminants emitted on an annual basis, and the emission factors used for the calculation or assessment.

In addition, the information must be provided in the form in Parts I to III of Schedule B.

For the purposes of the second paragraph, fuels integral to a process or used to supply transportation machinery integral to a process must be taken into account, as must fuels used to heat facilities.

For the purposes of this section, if an enterprise has several establishments, a separate report must be made for each of them. If an establishment has more than one facility, the data pertaining to each facility must be identified separately. In all cases, the operator must identify the activities, processes or equipment that are the source of contaminant emissions by indicating separately, for each of them, the quantity of fuels and raw materials used, and the volume of production.

5. If the operator of the enterprise, facility or establishment is required, under a public notice given pursuant to section 46 of the Canadian Environmental Protection Act (1999), to report to the Minister of the Environment of Canada for a contaminant listed in Part II of Schedule A, the operator must, without delay, transmit to the Minister any information transmitted to the Minister of the Environment of Canada concerning any of those contaminants emitted into the atmosphere by the enterprise, facility or establishment.

The operator must also provide the Minister with all data pertaining to production, fuels used and raw materials that were used to calculate the quantities of contaminants reported to the Minister of the Environment of Canada, along with the information referred to in the first paragraph, and the emission factors used for the calculation. The operator must identify the activities, processes or equipment that are the source of contaminant emissions by indicating separately, for each of them, the quantity of fuels and raw materials used, and the volume of production. That information must be provided in the form in Parts I and III of Schedule B.

In addition, if the operator is required under a public notice given pursuant to section 46 of the Canadian Environmental Protection Act (1999) to notify the Minister of the Environment of Canada that the enterprise, facility or establishment ceases to meet the prescribed reporting criteria, the operator must so notify the Minister at the same time.

6. The information communicated pursuant to section 4 or the second paragraph of section 5 must be based on the best data and best information the operator of the enterprise, facility or establishment has, may reasonably be expected to have or may obtain by means of appropriate data processing.

The information may be based on one of the following methods of calculation or assessment:

(1) emission source sampling;

(2) a sampling and continuous emission monitoring system;

(3) an emission estimation model;

(4) a calculation that may include the use of an emission factor published in the scientific literature or documentation specific to the enterprise, facility or establishment;

(5) mass balance; or

(6) predictive emission monitoring.

A report by the operator or a person authorized by the operator stating that the data transmitted was established in conformity with the best practices that apply and the requirements of this Regulation must also be transmitted

to the Minister by the operator, along with the information required by section 4 or the copy of the report referred to in section 5.

7. The persons or municipalities to which the provisions of this Regulation apply must retain the required information and the calculations, assessments, measurements and other data on which emission data are based for a minimum of five years from the date on which they were produced.

DIVISION III
OFFENCES

8. Every person who fails to communicate to the Minister the information prescribed by section 4 or 5, communicates false or inaccurate information, or fails to transmit the notice referred to in the third paragraph of section 5, or includes false or inaccurate information or fails to include prescribed data in the documents or fails to retain the data for the period prescribed is liable

(1) to a fine of $2,000 to $12,000 in the case of a natural person; and

(2) to a fine of $5,000 to $25,000, in the case of a legal person.

9. In the case of a second or subsequent offence, the fines in section 8 are doubled.

DIVISION IV
MISCELLANEOUS

10. As of the date on which a contaminant listed in Part I of Schedule A is the subject of a public notice given pursuant to section 46 of the Canadian Environmental Protection Act (1999), that contaminant becomes governed by the provisions of section 5 of this Regulation. The reporting threshold applicable for that contaminant is then the reporting threshold provided for in the public notice.

11. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Quebec*.

SCHEDULE A
(ss. 1, 4, 5, 10)

Part I

Types	**Contaminants**		
	Identification	**CAS**[1]	
	– total fluorides	7782-41-4	10 tonnes
	– polycyclic aromatic hydrocarbons (PAHs):		
	• Fluorene;	86-73-7	
	• Phenanthrene;	85-01-8	
	• Anthracene	120-12-7	
	• Pyrene	129-00-0	
	• Fluoranthene	206-44-0	
	• Chrysene	218-01-09	
Contaminants that cause toxic pollution	• Benzo (a) anthracene	56-55-3	50 kg on an annual basis for all the contaminants in the PAH category
	• Benzo (a) pyrene	50-32-8	
	• Benzo (e) pyrene	192-97-2	
	• Benzo (b) fluoranthene	205-99-2	
	• Benzo (j) fluoranthene	205-82-3	

Types	Contaminants		
	Identification	**CAS[1]**	
	• Benzo (k) fluoranthene	207-08-09	
	• Benzo (g, h, i) perylene	191-24-2	
	• Indeno (1,2,3-cd) pyrene	193-39-5	
	• Dibenzo (a,h) anthracene	53-70-3	
	– total reduced sulphur compounds:		10 tonnes on an annual basis for all the contaminants in the category of total reduced sulphur compounds
	• hydrogen sulphide (H_2S);	7783-06-4	
	• methyl mercaptan (CH_3SH);	74-93-1	
	• dimethyl sulphide $(CH_3)_2S$	75-18-3	
	• dimethyl disulphide $S_2(CH_3)_2$	624-92-0	

Part II

Types	Contaminants	
	Identification	**CAS[1]**
Contaminants that cause increased greenhouse effect	– carbon dioxide (CO_2);	124-38-9
	– methane (CH_4);	74-82-8
	– nitrous oxide (N_2O);	10024-97-2
	– sulphur hexafluoride (SF_6);	2551-62-4
	– hydrofluorocarbons (HFCs):	
	• HFC-23 (CHF_3);	75-46-7
	• HFC-32 (CH_2F_2);	75-10-5
	• HFC-41(CH_3F);	593-53-3
	• HFC-43-10mee ($C_5H_2F_{10}$);	138495-42-8
	• HFC-125 (C_2HF_5);	354-33-6
	• HFC-134 (CHF_2CHF_2);	359-35-3
	• HFC-134a (CH_2FCF_3);	811-97-2
	• HFC-143 (CHF_2CH_2F);	430-66-0
	• HFC-143a (CF_3CH_3);	420-46-2
	• HFC-152a (CH_3CHF_2);	75-37-6
	• HFC-227ea (C_3HF_7);	431-89-0
	• HFC-236fa ($C_3H_2F_6$);	690-39-1

Types	Contaminants	
	Identification	**CAS[1]**
	• HFC-245ca ($C_3H_3F_5$).	679-86-7
	– perfluorocarbons (PFCs):	
	• perfluoromethane (CF_4);	75-73-0
	• perfluoroethane (C_2F_6);	76-16-4
	• perfluoropropane (C_3F_8);	76-19-7
	• perfluorobutane (C_4F_{10});	355-25-9
	• perfluorocyclobutane (c-C_4F_8);	115-25-3
	• perfluoropentane (C_5F_{12});	678-26-2
	• perfluorohexane (C_6F_{14}).	355-42-0
Contaminants that cause acid rain and smog	– sulphur dioxide (SO_2);	7446-09-05
	– nitrogen oxides (NO_X);	11104-93-1
	– volatile organic compounds;	
	– carbon monoxide (CO);	630-08-0
Contaminants that cause toxic pollution	– total particulate matter; – particulate matter <10 microns; – particulate matter < 2.5 microns; – ammonia (NH_3).	
	– mercury (Hg) and its compounds; – lead (Pb) and its compounds; – cadmium (Cd) and its compounds; – polychlorinated dibenzo-p-dioxins; – polychlorinated dibenzofurans;	
	– benzene;	71-43-2
	– hexachlorobenzene;	118-74-1
	– formaldehyde;	55-00-0
	– arsenic and its compounds; – hexavalent chromium compounds.	

SCHEDULE B
(ss. 4, 5)

REPORTING OF ANNUAL EMISSIONS, REPORT OF FUELS, PRODUCTS, RAW MATERIALS AND EMISSION FACTORS

Part I: Identification

Name of enterprise:
Name of establishment:
Address of establishment
Civic number, street:
City or Town:
Postal Code:
Director of establishment
Name:
Address (If different from establishment):
Civic number, street:
City or Town:
Postal Code:
Telephone number:
Fax number:
E-mail:
Person responsible for the environment (If different from the director of the establishment)
Name:
Address (If different from establishment)
Civic number:
Street:
City or Town:
Postal Code:
Telephone number:
Fax number:
E-mail:

Person responsible for reporting (If different from the person responsible for the environment)	
Name:	
Address (If different from establishment):	
Civic number:	
Street:	
City or Town:	
Postal Code:	
Telephone number:	
Fax number:	
E-mail:	

Part II: Annual emissions report

Types	Contaminants	Total emissions	Units of measure
	Total fluorides (TF)		
	Polycyclic aromatic hydrocarbons (PAHs)		
	Total reduced sulphur compounds		

Part III: Fuels, products and raw materials report

The operator must identify the activities, processes or equipment that are the source of contaminant emissions into the atmosphere.

Identification of emission source	Hours of operation

For each emission source identified, Tables A, B, C and D must be completed using the best data the operator of the enterprise, facility or establishment has, may reasonably be expected to have or may obtain by means of appropriate data processing.

Table A

Identification of fuel	Characteristics			Quantity	Unit of measure
	% Sulphur	% Water	Heating value		

Table B

Identification of product	Volume of production	Unit of measure

Table C

Identification of raw material	Quantity	Unit of measure

Table D

Contaminant	Emission factor	Unit of measure	Product, raw material or fuel related to the emission factor	Origin or emission factor reference used[3]

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[1] The numbers entered in respect of the contaminants listed in this Schedule correspond to the identification code assigned by the Chemical Abstract Services division of the American Chemical Society.

[2] The reporting threshold applicable for a contaminant in Part II of this Schedule is the reporting threshold provided for that contaminant in the public notice given by the Minister of the Environment of Canada pursuant to section 46 of the Canadian Environmental Protection Act (1999*)*.

[3] For each contaminant emitted for which the operator takes into account an emission factor to quantify its emissions, the operator must indicate the origin of the emission factor and, if it comes from a published documentary source, indicate its reference

Draft Regulations

Draft Regulation

Food Products Act
(R.S.Q., c. P-29)

Food
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting food, appearing below, may be made by the Government of Québec on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to integrate all dairy product and dairy product substitutes regulations into the Regulation respecting food and to update standards to reflect new developments.

The new regulatory provisions will make dairy products and dairy product substitutes safer for consumers as well as promote expansion of the dairy industry in Québec. They will have little impact on small and medium-sized enterprises in Québec and no economic impact on Québec consumers.

The new provisions will provide Québec with simpler results-oriented dairy regulatory provisions more in harmony with regulations in the jurisdictions of its principal competitors.

The draft Regulation also extends the durable life of eggs in their shell from 35 to 42 days. Study of the matter has shown no significant financial impact on enterprises, including SMEs.

Further information may be obtained by contacting Daniel Tremblay, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 11e étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100 (extension 3743); fax: 418 380-2169.

Interested persons may submit comments on the draft Regulation in writing before the expiry of the 45-day period to the Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12e étage, Québec (Québec) G1R 4X6.

LAURENT LESSARD,
Minister of Agriculture, Fisheries and Food

Regulation to amend the Regulation respecting food and to amend other regulatory provisions*

Food Products Act
(R.S.Q., c. P-29, s. 7.1 and s. 40, pars. *a, a.*0.1*, a.*1*, a.*3*, a.*4*, b, b.*2*, d, e, e.*2*, e.*2.1*, e.*3*, e.*4*, e.*5*, e.*5.2*, e.*7*, f, g, j, k.*2*, l, m, m.*1, and *n*)

1. The Regulation respecting food is amended in the first paragraph of section 1.3.1.1 by inserting ", except permits referred to in subparagraphs *k.*1 to *k.*4 of the first paragraph of that section," after "Act".

2. The following is inserted after section 1.3.1.1:

"**1.3.1.1.1.** To obtain a dairy plant operating permit required under subparagraph *k.*1 of the first paragraph of section 9 of the Act, a person must apply in writing to the Minister. The application must contain the following information:

(1) if the applicant is a natural person, the applicant's name, domicile address and, if applicable, enterprise number assigned under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(2) if the applicant is a legal person or partnership subject to the registration requirement under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, the applicant's name, the address of its principal establishment and its enterprise number assigned under that Act;

(3) the dairy product prepared by the applicant; if the product is cheese, the applicant must also state the name of the cheese and its moisture and fat percentage content; if it is a soft cheese or semi-soft cheese made with raw milk or unpasteurized milk prepared without a minimum 60-day ripening period at 2°C, the applicant must also state, in addition to the ripening period, the name

* The Regulation respecting food (R.R.Q., 1981, c. P-29, r.1) was last amended by the Regulation made by Order in Council 1023-2006 dated 8 November 2006 (2006, *G.O.* 3584). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

and address of the dairy producer supplying the applicant and the producer's identification number assigned by the producers marketing board administering the joint dairy marketing plan established under the Act respecting the marketing of agricultural, food and fish products (R.S.Q., c. M-35.1), or in the absence of a joint plan, the number assigned by the Department;

(4) the name and address of the plant or, in the case of a vehicle referred to in subparagraph *c*.2 of the first paragraph of section 1 of the Act, the registration number of the vehicle;

(5) the marketing conditions, such as the distribution network and the administrative region in which the product will be distributed;

(6) the milk supply conditions, such as the supply source and projected milk volume; and

(7) the name of the director of processing operations at the dairy plant referred to in section 8.1 of the Act.

The applicant must also provide scale plans of the land, plant and dependencies and specifications showing that the plant meets the construction and layout standards set out in section 11.5 and the pasteurization equipment standards set out in sections 11.7.8 to 11.7.10, 11.7.12 and 11.7.13.

1.3.1.1.2. To obtain a milk transport permit required under subparagraph *k*.2 of the first paragraph of section 9 of the Act, a person must apply in writing to the Minister. The application must contain the following information:

(1) if the applicant is a natural person, the applicant's name, domicile address and, if applicable, enterprise number assigned under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons;

(2) if the applicant is a legal person or partnership subject to the registration requirement under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, the applicant's name, the address of its principal establishment and its enterprise number assigned under that Act;

(3) the description of every vehicle operated, including its make, model, year, serial number, capacity in litres and the number of the certificate of compliance affixed by a person authorized under section 11.4.12; and

(4) if applicable, the goods to be transported other than milk referred to in section 11.4.6.

1.3.1.1.3. To obtain a dairy distributor permit required under subparagraph *k*.3 of the first paragraph of section 9 of the Act, a person must apply in writing to the Minister. The application must contain the following information:

(1) if the applicant is a natural person, the applicant's name, domicile address and, if applicable, enterprise number assigned under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons;

(2) if the applicant is a legal person or partnership subject to the registration requirement under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, the applicant's name, the address of its principal establishment and its enterprise number assigned under that Act;

(3) the permit category applied for; and

(4) the name and address of the supplier, and the written supply agreement.

1.3.1.1.4. To obtain a permit required under subparagraph *k*.4 of the first paragraph of section 9 of the Act to operate an establishment where dairy product substitutes are prepared or to operate an establishment where dairy product substitutes are sold wholesale, a person must apply in writing to the Minister. The application must contain the following information:

(1) if the applicant is a natural person, the applicant's name, domicile address and, if applicable, enterprise number assigned under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons;

(2) if the applicant is a legal person or partnership subject to the registration requirement under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, the applicant's name, the address of its principal establishment and its enterprise number assigned under that Act;

(3) the dairy product substitutes that are prepared or sold wholesale; and

(4) if the application is for a dairy product substitute wholesale permit, the name and address of the supplier and of the establishment where the dairy product substitutes are prepared.

The applicant for a dairy product substitute preparation permit must provide scale plans of the land, plant and dependencies and specifications showing that the establishment meets the construction and layout standards set out in section 11.9.3.

1.3.1.1.5. Applications for permits required under subparagraphs *k*.1 to *k*.4 of the first paragraph of section 9 of the Act must be signed by the applicant.

1.3.1.1.6. Applications for permits must be accompanied by the fee payable for the issue of each permit and the file opening fee.

Despite the first paragraph, no file opening fee is payable for the permits referred to in paragraph 2 of section 1.3.5.H.1 and section 1.3.5.K.1.".

3. Section 1.3.1.5 is amended by replacing "To obtain renewal of his permit, except for the permits provided for in paragraph 4 of section 1.3.5.B.1 and in paragraph 4 of section 1.3.5.C.1, a holder" by "To renew a permit, except permits under paragraph 4 of section 1.3.5.B.1, paragraph 4 of section 1.3.5.C.1, or under sections 1.3.5.F.1, 1.3.5.G.1, 1.3.5.H.1, 1.3.5.I.1, 1.3.5.J.1 or 1.3.5.K.1, a permit holder".

4. The following is inserted after section 1.3.1.5:

"**1.3.1.5.1.** To renew a permit under section 1.3.5.F.1, 1.3.5.G.1, 1.3.5.H.1, 1.3.5.I.1, 1.3.5.J.1 or 1.3.5.K.1, a permit holder must apply in writing to the Minister and pay the renewal fee. The renewal application and fee must be received by the Minister before the expiry of the permit. The renewal application must contain the information and documents required by sections 1.3.1.1.1 to 1.3.1.1.5.

An application for renewal of a tester permit required by section 1.3.5.K.1 must state the holder's name and address, the number of the certificate issued to the holder by the Institut de technologie agroalimentaire and, if applicable, the name and address of the carrier or dairy plant operator employing the applicant.".

5. Section 1.3.1.6 is amended by replacing "in the application referred to in Schedule 1.3.B any change relative to the information and documents provided in compliance with sections 1.3.1.1, 1.3.1.2, 1.3.1.3, 1.3.1.4, 7.3.11 and 7.3.12" in the first paragraph by "in the application referred to in Schedule 1.3.B or section 1.3.1.5.1, any change in the information or documents provided pursuant to section 1.3.1.1, 1.3.1.1.1, 1.3.1.1.2, 1.3.1.1.3, 1.3.1.1.4, 1.3.1.2, 1.3.1.3, 1.3.1.4, 7.3.11 or 7.3.12.".

6. The following is inserted after section 1.3.5.E.5:

"*§1.3.5.F. Dairy plant operating permits*

1.3.5.F.1. The categories of dairy plant operating permits are as follows:

(1) Category 1 permit, which authorizes the holder to receive one million litres of milk or more in the course of a year;

(2) Category 2 permit, which authorizes the holder to receive fewer than one million litres of milk in the course of a year;

(3) Category 3 permit, which authorizes the holder only to cut or package cheese, butter or other dairy products, to prepare dairy products without processing milk or to treat and process milk other than cow's milk.

§1.3.5.G. Milk transport permits

1.3.5.G.1. A milk transport permit authorizes the holder to transport milk from a dairy farm to a dairy plant.

§1.3.5.H. Dairy distributor permits

1.3.5.H.1. The categories of dairy distributor permits are as follows:

(1) distributor/vendor permit; and

(2) distributor/deliverer permit.

1.3.5.H.2. A milk distributor/vendor permit authorizes the holder to purchase milk or cream for resale.

1.3.5.H.3. A milk distributor/deliverer permit authorizes the holder to deliver milk or cream.

§1.3.5.I. Dairy product substitute preparation permits

1.3.5.I.1. A dairy product substitute preparation permit authorizes the holder to operate an establishment where dairy product substitutes are prepared.

§1.3.5.J. Dairy product substitute wholesale permits

1.3.5.J.1. A dairy product substitute wholesale permit authorizes the holder to operate an establishment where dairy product substitutes are sold wholesale.

§1.3.5.K. Tester permits

1.3.5.K.1. A tester permit authorizes the holder to collect milk at dairy farms and to perform the duties as provided in sections 11.4.1 to 11.4.3.

1.3.5.K.2. The Minister issues a tester permit to holders of a tester certificate issued by the Institut de technologie agroalimentaire or any other certificate recognized as equivalent by the Minister pursuant to section 8.2 of the Act.".

7. The following is inserted after section 1.3.6.7.2:

"**1.3.6.7.3.** The fee payable for the issue or renewal of a dairy plant operating permit is

(1) $737 for a Category 1 permit;

(2) $147 for a Category 2 permit; and

(3) $147 for a Category 3 permit.

1.3.6.7.4. The fee payable for the issue or renewal of a milk transport permit is

(1) $20 for each vehicle transporting milk in cans;

(2) for each vehicle or each tank truck according to load capacity,

(a) $80 for a load capacity of up to 16,000 litres;

(b) $106 for a load capacity of 16,001 to 24,000 litres; and

(c) $132 for a load capacity of 24,001 litres or more.

1.3.6.7.5. The fee payable for the issue or renewal of a dairy distributor permit is

(1) $25 for a distributor/vendor permit; and

(2) $15 for a distributor/deliverer permit.

1.3.6.7.6. The fee payable for the issue or renewal of a dairy product substitute preparation permit is $730.

1.3.6.7.7. The fee payable for the issue or renewal of a dairy product substitute wholesale permit is $73.

1.3.6.7.8. The fee payable for the issue or renewal of a tester permit is $35.".

8. Section 1.3.6.12 is amended by replacing "and in paragraphs 3 and 4 of section 1.3.5.C.1" in the second paragraph by ", paragraphs 3 and 4 of section 1.3.5.C.1, paragraph 2 of section 1.3.5.H.1 and section 1.3.5.K.1".

9. Section 1.4.4 is amended by adding the following subparagraph at the end of the second paragraph:

"(3) where the prepared products are dairy products other than those referred to in section 11.1.3 or dairy product substitutes.".

10. Section 2.2.3 is amended by striking out subparagraph 4 of the third paragraph.

11. The following is inserted after section 2.2.3:

"**2.2.3.1.** A person referred to in the first paragraph of section 2.2.3 must

(1) be free of any contagious disease transmittable through the products;

(2) be free of any infected skin lesion;

(3) wear a clean waterproof bandage over any open non-infected skin lesion; and

(4) wear a clean waterproof glove long enough to completely cover the bandage over the lesion if the lesion referred to in paragraph 3 is on the hand, wrist or forearm and discard the glove when it is removed.

2.2.3.2. No person referred to in the first paragraph of section 2.2.3 may use latex or latex powdered gloves in a packing-house, establishment, premises or vehicle referred to in section 33 of the Act.

The prohibition under the first paragraph does not apply to rendering plant workers.

2.2.3.3. No person may use a cleaning agent, sanitizer or pesticide that does not meet the standards established by the Food and Drugs Act (R.S.C. 1985, c. F-27) or the Pest Control Products Act (S.C. 2002, c. 28) or that is not in the Reference Listing of Accepted Construction Materials, Packaging Materials and Non-Food Chemical Products published by the Canadian Food Inspection Agency and available through the Internet at http://www.inspection.gc.ca.".

12. The following is inserted after section 2.2.8:

"**2.2.9.** Sections 2.2.5 to 2.2.8 and 3.3.3 do not apply to holders of a permit required under section 8.2 or subparagraphs *k*.1 to *k*.4 of the first paragraph of section 9 of the Act.".

13. Section 5.4.1 is amended by replacing "35" in subparagraph 4 of the first paragraph by "42".

14. Sections 5.2.11, 5.7.23, 6.4.1.9, 6.4.1.11, 6.4.1.12, 7.4.13, 9.3.1.4, 9.3.1.5, 9.3.1.8, 10.3.1.5 and 10.3.1.11 are revoked.

15. The following chapter is added after Chapter 10:

"**CHAPTER 11**
DAIRY PRODUCTS AND DAIRY PRODUCT SUBSTITUTES

DIVISION 11.1
GENERAL

11.1.1. In this Chapter,

"cream" means the fatty liquid obtained by separating the constituents of milk; (*crème*)

"commercial sterility" means the condition obtained in a dairy product or dairy product substitute that has been processed by the application of heat alone or in combination with other treatments to render the dairy product free of all viable forms of micro-organisms, including spores, capable of growing in the product at normal temperatures at which the dairy product is designed to be held during distribution and storage; (*stérilité commerciale*)

"dairy barn" means a building used primarily for housing and milking milk-producing animals; (*étable*)

"firm cheese" means cheese having a moisture on fat-free basis content of not less than 50% and not more than 62%; (*fromage à pâte ferme*)

"hard cheese" means cheese having a moisture on fat-free basis content of less than 50%; (*fromage à pâte dure*);

"identification number" means the identification referred to in paragraph 6 of section 2 of the Regulation respecting the identification and traceability of certain animals, made by Order in Council 205-2002 dated 6 March 2002;

"inhibitor" means any antibiotic, antiseptic or other substance that inhibits the growth of bacteria; (*substance inhibitrice*)

"lot" means a specific quantity of a dairy product or dairy product substitute or a production unit identified by a number by which it can be traced during preparation or distribution; (*lot*)

"milk" means the lacteal secretion obtained from the mammary gland of a domestic animal such as a cow, goat or sheep and intended for human consumption; (*lait*)

"prepackaged" means packaged in the dairy plant in the container or package to be delivered to the consumer; (*préemballé*)

"raw milk or cream" means milk or cream that has not been subjected to heat treatment at a temperature above 40°C; (*lait ou crème cru*)

"semi-soft cheese" means cheese having a moisture on fat-free basis content of more than 62% but not more than 67%; (*fromage à pâte demi-ferme*)

"soft cheese" means cheese having a moisture on fat-free basis content of more than 67% but less than 80%; (*fromage à pâte molle*)

"ultra-high temperature treatment" means the process by which a dairy product is heated at a temperature of not less than 135°C for at least one second; (*traitement à ultra haute temperature*)

"unpasteurized milk or cream" means milk or cream that has been subjected to heat treatment at a lower temperature than that of pasteurization; (*lait ou crème non pasteurisé*)

"warehouse" means an establishment or vehicle in which primarily dairy products or dairy product substitutes are stored. (*entrepôt*)

11.1.2. For the purposes of subparagraph *a*.3 of the first paragraph of section 1 of the Act, milk is considered to be the main ingredient in the preparation of a food product if

(1) the main ingredient is milk;

(2) the main ingredient is a constituent of milk, such as milk fat or lactose; or

(3) the main ingredient is a derivative of milk, such as cheese or butter.

11.1.3. The following food products that have pasteurized milk as the main ingredient are exempt from the application of this Chapter and subparagraph *k*.1 of the first paragraph of section 9 of the Act:

(1) cream fillings and desserts such as blancmange, sucre à la crème, rice or tapioca pudding and cheese or ice cream cakes or pies;

(2) gravies or sauces to accompany meat, fish, vegetables or pasta; and

(3) soups or veloutés.

DIVISION 11.2
CONSTRUCTION, LAYOUT AND OPERATION OF DAIRY FARMS

§1. General

11.2.1. In addition to the requirements of sections 3.1 to 3.3 of the Act, the construction, layout and operation of a dairy farm must meet the standards set out in this Division.

11.2.2. A dairy producer must have a dairy barn and a milk house used exclusively for storing and cooling milk, for cleaning and sanitizing operations and for storing medications and materials and equipment used in the production and handling of milk.

A dairy producer that prepares or cools all of the milk production within two hours after milking in a dairy plant located on the same site as the dairy farm is exempt from having a milk house provided the producer has premises that are used exclusively for cleaning, sanitizing and maintaining the equipment used in milk production.

§2. Dairy barns

11.2.3. Bovine, caprine and equine animals may be housed in the dairy barn provided they are housed in separate areas according to species. Ovine animals may also be housed in the dairy barn provided they are kept in premises separate from the areas housing the other species.

Despite the first paragraph and except during milking, cats and dogs may be allowed in the dairy barn.

11.2.4. A dairy producer's dairy barn must meet the following requirements:

(1) the floor must

(a) be of hard, smooth, washable and impervious material;

(b) be free of stagnant water; and

(c) not be slatted if milking takes place in the dairy barn;

(2) ramps and platforms must be of washable impervious material;

(3) gutters and aisles must be of hard, smooth, washable and impervious material;

(4) mangers and water troughs must be of hard, smooth, washable and impervious material and the water troughs must be supplied with potable water;

(5) the dairy barn must be laid out and maintained to prevent the entry, nesting or breeding of insects, birds, rodents or other pests;

(6) the dairy barn must be ventilated to eliminate condensation and odours that could affect the milk;

(7) the dairy barn must have an artificial lighting system providing a luminous intensity of at least 20 decalux at the level of the animals' udders in the areas where milking takes place and having a protective device to prevent contamination of the milk in the event of failure of the system;

(8) if males or young animals are housed in the dairy barn, it must have separate stalls or pens for them; and

(9) if the animals are not tied, the dairy barn must have a milking parlour, a milking area or a robotic milking system.

§3. Milking parlours, milking areas and robotic milking systems

11.2.5. A milking parlour must meet the following requirements:

(1) the floor must

(a) be of hard, smooth, washable and impervious material;

(b) be designed to prevent accumulation of water or dirt;

(c) have a wastewater drainage system that prevents backflow, the spread of odours that could affect the milk, and contamination of the milking parlour;

(d) not be slatted; and

(e) be clean and free of accumulation of manure;

(2) ramps and platforms must be of washable impervious material;

(3) the ceiling, walls, doors and windows must be coated with hard, smooth, washable and impervious material;

(4) doors, windows and all openings leading to the outside must be designed and maintained to prevent the entry of insects, birds, rodents or other pests;

(5) the milking parlour must have a hot and cold potable running water system under pressure and hoses and nozzles installed for washing the milking parlour and equipment; the system must be protected against any source of contamination;

(6) the milking parlour must be ventilated in accordance with paragraph 6 of section 11.2.4;

(7) the milking parlour must have an artificial lighting system that complies with paragraph 7 of section 11.2.4; and

(8) where needed, the milking parlour must be heated to prevent freezing.

11.2.6. A milking area must meet the requirements of paragraphs 1, 2 and 5 to 8 of section 11.2.5 and, if applicable, the requirements of paragraphs 3 and 4 of that section, with the necessary modifications.

11.2.7. A robotic milking system must be installed in premises that meet the requirements of paragraphs 1, 3, 5, 7 and 8 of section 11.2.5, with the necessary modifications, and the bottom of one of the walls must have an opening allowing the robot arm to extend to the exterior of the premises and be placed under the animals' udders.

The premises must also have a sink and all materials necessary for sanitary hand washing and drying.

The air pressure inside the premises must be maintained at a higher level than that of the rest of the dairy barn by means of a continuous supply of uncontaminated air.

The robotic milking system must be kept clean by means of automatic washing and sanitizing cycles.

11.2.8. The milking area and the robotic milking system premises must be separated from the rest of the dairy barn by a holding area with a clean floor free of accumulation of manure.

11.2.9. Only dairy production animals may be allowed in the milking parlour or area and the holding area. They must not, however, have access to the milking parlour or those areas outside milking times.

§4. Milk houses

11.2.10. A milk house must be at least 30 metres from any source of contamination, such as a manure pile, stable, pig barn or temporary manure storage. The traffic areas outside a milk house must be laid out so as to exclude animal traffic and must be free of excrement.

No animal may be allowed in a milk house and all milk house doors must be closed after each use.

11.2.11. A milk house must meet the requirements of paragraphs 1, 3 to 6 and 8 of section 11.2.5.

The air intake of the ventilation system referred to in paragraph 6 of section 11.2.5 must not be located near a source of contamination.

11.2.12. In addition to the requirements of section 11.2.11, a milk house must meet the following standards:

(1) the ceiling must be high enough to allow inspection of the bulk milk tank and its content and, if applicable, complete removal of the gauge in a vertical position for readings;

(2) if the milk house provides access to the part of the dairy barn used to house animals or to the milking area, the milk house must be separated from that part of the barn by a room or corridor at least 3 metres long whose walls, ceiling and floor meet the requirements of paragraphs 1 and 3 of section 11.2.5, with the necessary modifications;

(3) the milk house must have an artificial lighting system providing luminous intensity of at least 50 decalux at 1 metre from the floor and having a protective device to prevent contamination of the milk in the event of failure of the system;

(4) the milk house must be equipped with a sink for washing equipment and a sink for washing hands; if there is no separate sink for hand washing, the sink must be a two-compartment sink with one compartment used exclusively for washing equipment and one for washing hands; the sinks must be supplied by the potable water distribution system referred to in paragraph 5 of section 11.2.5 and must be connected by a trap pipe to a floor drain; the system must be protected against any source of contamination;

(5) the milk house must have the necessary materials for sanitary washing and drying of hands;

(6) if the milk house contains a washroom, it must be located and maintained so that it does not constitute a source of contamination for the milk or equipment and it must not lead directly into the milk house;

(7) the milk house must have corrosion- and rot-free facilities in which the materials and equipment used in the production and handling of milk are stored in such a way that they do not come into contact with the floor;

(8) the milk house must have an area or compartment used exclusively for storing cleaning materials and containers of detergent and sanitizers that is located where the milk cannot be contaminated or affected;

(9) the milk house must have in one of its walls a hose port used exclusively for the passage of the hose connecting the tank of the milk transport truck during milk collection; the hose port must be closed after each use;

(10) the milk house must be constructed and laid out so that milk collection operations may be performed under sanitary conditions and the tester may activate the milk transfer pump and monitor operations from inside the milk house; and

(11) the milk house must have facilities designed so that the hose connecting the tank of the milk transport truck to the bulk milk tank remains clean.

11.2.13. A dairy producer must post in a conspicuous place in the milk house, or in the dairy plant referred to in section 11.2.2, the cleaning and sanitizing procedures recommended by the manufacturers of the equipment and agents used and ensure that they are followed.

11.2.14. A milk house must contain a bulk tank used exclusively for the storage and cooling of milk that must be accessible for inspection, cleaning, sanitizing, gauging or measuring, and milk collection. The part of the tank that does not contain an access port, an air intake or hoses in which the milk flows may be located outside the milk house.

11.2.15. The bulk milk tank must

(1) have an agitator to restore the homogeneity of the milk without using an air agitation system;

(2) have a gauge or measuring rod and calibration table to read and determine with accuracy the volume of milk in the tank; the bulk milk tank, gauge and calibration table must have the same serial number;

(3) be capable of holding at least 60 hours of the herd's milk production at peak production;

(4) be designed to cool and maintain milk at the storage temperature required by section 1.4.1;

(5) have an operating thermometer with a range of 0°C to 50°C accurate to within 1°C located so that it can be read; and

(6) have an outlet cap.

Milk from a dairy species other than a cow may be stored and cooled in facilities other than the bulk tank provided that, in addition to being accessible for inspection, handling, washing and sanitizing, the facilities meet the standards set out in subparagraphs 4 and 5 of the first paragraph.

11.2.16. The receiving room where air is eliminated from the milk must be located in the milk house or in a place where it is protected at all times against any source of contamination. The receiving room must be located so that maintenance can be performed under sanitary conditions.

11.2.17. A refrigeration compressor that is not built into the bulk milk tank, the milking system vacuum pump and the water pump must not be installed in the milk house.

11.2.18. The premises referred to in the second paragraph of section 11.2.2 must meet the requirements of paragraphs 1, 3 to 6 and 8 of section 11.2.5 and paragraphs 2 to 8 of section 11.2.12, with the necessary modifications. The milking system vacuum pump and the water pump must not be installed on those premises.

11.2.19. The pit or other installation for collecting washwater must not be located inside or under the milk house, under the area referred to in the second paragraph

of section 11.2.2, under the milking room or area or under the room or corridor separating the milk house from the dairy barn.

Despite the first paragraph, a dairy producer that, on (*insert the date of the day preceding the date of coming into force of this Regulation*), has a pit or installation that is not in compliance with the first paragraph is exempt from moving it if it is sealed. However, if major renovations are made to the floor, the pit or installation must be moved so that it meets the standard.

11.2.20. A dairy producer must notify an authorized person in writing of any alteration to the dairy farm or the construction of a new building at least 30 days before the start of the work.

§5. Milking standards

11.2.21. A dairy producer must use different milking and milk storage equipment for each dairy species. However, the same milking equipment may be used for goats and sheep provided the equipment is washed and sanitized after each use.

11.2.22. If milking is performed elsewhere than in a milking parlour, it must not be done while bedding is being changed or disturbed or while feed is being distributed.

Manure need not be removed daily if a loose housing system is used. The bedding must, however, be laid out so as to provide the animals with a clean dry rest area.

If a tie-stall housing system is used and milking is not done in a milking parlour or area, manure must be removed daily.

Sheep manure must be disposed of in a manner that will not contaminate areas or premises where there are other dairy animals.

11.2.23. Milkers must wear clean clothing and must wash and sanitize their hands and dry them with a single-use towel so that their hands are always clean during milking operations.

Before milking, a milker must

(1) ensure that the sides, flanks, tail, belly and udder of each animal are clean;

(2) collect the first streams of milk from each teat in a receptacle used exclusively for that purpose and examine them before discarding; and

(3) wash and sanitize the teats with a towel and dry them with a second towel; the towels must not be used for more than one animal during the same milking period.

If milking is performed with an automated milking system, the milker must ensure that the animals are clean. The system must wash and sanitize the teats and discard the first milk streams.

11.2.24. Immediately after milking, a milker must

(1) sanitize the teats with a sanitizing spray or a teat dip;

(2) return portable equipment to the milk house and clean and store the equipment; and

(3) protect stationary equipment against any source of contamination.

If milking is performed with an automated milking system, the teats must be sanitized in accordance with subparagraph 1 of the first paragraph.

11.2.25. The milk extracted at a milking must be brought to the storage temperature required by section 1.4.1 and maintained within that temperature range until it is collected in compliance with the following process:

(1) one hour after each first transfer of milk into the bulk milk tank or other facility referred to in the second paragraph of section 11.2.15, the milk temperature must not exceed 10°C;

(2) two hours after the first transfer, the milk temperature must be 4°C or less but above 0°C;

(3) at each subsequent transfer, the milk temperature must not exceed 10°C; and

(4) one hour after each subsequent transfer, the milk temperature must be 4°C or less but above 0°C.

The process described in the first paragraph does not apply if the milk is prepared within two hours after the milking in a milk plant located on the site of the dairy farm on which it has been collected.

Sheep's milk may be frozen after being cooled in accordance with the first paragraph. Its internal temperature must not exceed -18ºC within a maximum period of 36 hours after the milking and it must be maintained at that temperature until it is prepared.

11.2.26. The surfaces of materials and equipment that come into contact with the milk must meet the requirements of section 2.1.4.

The materials and equipment must be used exclusively for milk production and collection operations.

11.2.27. Materials and equipment that come into contact with the milk must be

(1) washed immediately after use or whenever they become contaminated;

(2) kept dry and stored free of any source of contamination after each use; and

(3) sanitized before further use.

§6. Dairy animal health and feeding

11.2.28. Animals whose milk is for human consumption must be free of disease and disease germs transmissible by milk.

11.2.29. Only medications, drugs and products authorized for sale to be administered to animals under the Food and Drugs Act, the Feeds Act or the Pest Control Products Act may be administered to a dairy animal. The medications, drugs and products must be administered as prescribed by a veterinary surgeon and if the medication is authorized for sale without a prescription, it must be administered as directed by the manufacturer's instructions on the label.

The medications, drugs and products referred to in the first paragraph must be stored as instructed by the manufacturer and in a manner that prevents contamination of the milk, materials and equipment. If they are kept in the milk house, they must be stored in a cupboard. Those intended for lactating animals must be kept separate from other medications, drugs and products.

Expired medications, drugs and products must not be kept in the milk house.

11.2.30. Every container of a medication, drug or product referred to in section 11.2.29 must be marked to identify its contents.

11.2.31. A dairy producer must mark each animal to which a medication, drug or product referred to in section 11.2.29 is administered until the end of the withdrawal period, and maintain a record of

(1) the animal's identification number if the animal is identified under the Regulation respecting the identification and traceability of certain animals made by Order in Council 205-2002 dated 6 March 2002 or any other identifier used by the dairy producer;

(2) the name of the medication, drug or product used;

(3) the veterinary prescription number;

(4) the start and end dates of the treatment period;

(5) the withdrawal period;

(6) the date on which the transfer of milk into the bulk tank is resumed; and

(7) the name of the person who administered the medication, drug or product.

The information in the record must be retained at the dairy farm for at least 12 months after the date on which it is entered. All prescriptions for medications must also be retained in the record for the same period.

11.2.32. Feed for the dairy animals must be kept free of any source of contamination.

11.2.33. A dairy producer must alter the colour of the milk intended for animal consumption by means of a food colour referred to in Division 6 of Part B of the Food and Drug Regulations (C.R.C., c. 870).

§7. Cleaning agents, sanitizers and pesticides

11.2.34. No person may use a cleaning agent, sanitizer or pesticide that is not authorized under section 2.2.3.3.

11.2.35. Pesticides and other pest control products must be stored in a closed compartment outside the milk house, except pesticides or products whose original container states that they may be stored in places where food is kept, in which case they must be used and stored in such a manner that they do not contaminate the milk or the surface of materials and equipment that come into contact with milk.

11.2.36. Every container of cleaning agent, sanitizer or pesticide must be marked to identify its contents.

DIVISION 11.3
QUALITY OF RAW MILK AND RAW CREAM

11.3.1. Raw milk and raw cream must be free of

(1) blood and foreign particles or substances;

(2) colostrum;

(3) coagulation;

(4) chemical or foreign substances; and

(5) odours that could affect it.

11.3.2. Raw milk and raw cream must be free of microbial toxins and must meet the standards set out in Schedule 11.A.

DIVISION 11.4
MILK COLLECTION AND TRANSPORT

§1. Milk collection

11.4.1. When collecting milk at a dairy farm, a tester must

(1) accept or reject the milk on the basis of its temperature and, in accordance with section 11.3.1, its appearance and odour;

(2) measure the volume of the milk in the bulk tank;

(3) once each month, before the milk is transferred to the tank of the milk transport vehicle, aseptically collect a representative sample of not less than 10 millilitres of the milk in the bulk tank after it has been agitated for at least 5 minutes to ensure its homogeneity;

(4) for cow's milk or goat's milk, take a representative sample of not less than 30 and not more than 50 millilitres of the milk in the bulk tank by means of the mechanical sampler on the milk transport tank or, if the mechanical sampler cannot be used, directly from the bulk tank, before the start of the transfer to the milk transport tank and after the milk has been agitated for at least 5 minutes to ensure its homogeneity. The dairy producer's number and corresponding bar code must be indelibly marked on the sample container, which must be hermetically closed and sealed with a single-use cap; and

(5) rinse the interior surfaces of the bulk tank with cold or lukewarm water after the milk has been transferred to the milk transport tank and leave the premises in the same state of cleanliness as found on arrival.

If milk from a dairy species other than a cow is delivered to the plant in containers, a tester must

(1) accept or reject the milk in accordance with subparagraph 1 of the first paragraph;

(2) once each month, aseptically collect a sample of the milk stirred to homogeneity in the plant's receiving tank that must contain only the milk from one shipment from the same dairy producer.

All samples taken under the first or second paragraph must be identified and stored at a temperature of 4°C or less but above 0°C until they are analyzed. They must be sent to the Minister's laboratory or to any other laboratory designated by the Minister.

11.4.2. The milk volume measurement required by subparagraph 2 of the first paragraph of section 11.4.1 must be taken with a measuring stick or gauge tube.

If the tank is equipped with a measuring stick, the tester must

(1) ensure that the stick is dry, clean and upright;

(2) lower the gauge into the bulk tank when the milk in the tank is still until it is seated fully in its support;

(3) remove the stick at once and read and record the highest graduation mark closest to the milk line; and

(4) repeat the operation until two identical readings are obtained.

If the tank is equipped with a gauge tube, the tester must

(1) ensure that the tube is clean and that the graduation marks are easy to read;

(2) open the valve at the bottom of the tube to allow the milk to flow in slowly; and

(3) read and record the higher graduation mark at the bottom of the meniscus closest to the milk line.

11.4.3. The tester must enter on-site the following information on a voucher showing the dairy producer's identification number assigned by the producers marketing board administering the joint dairy marketing plan established under the Act respecting the marketing of agricultural, food and fish products or, in the absence of a joint plan, the dairy producer's name and address or any other identifying number:

(1) the date and time of the transfer of the milk into the tank;

(2) the milk temperature, the gauge reading of the bulk milk tank gauge tube and the milk volume as determined using the calibration table;

(3) the tester's permit number; and

(4) if the tester rejects the milk, the reasons for rejection.

The tester must immediately deliver the voucher to the dairy producer after attesting to the accuracy of the information entered. The tester must then give a copy of the voucher to the dairy plant operator and to the producers marketing board referred to in the first paragraph.

The operator and the board must retain their copies of the voucher at their establishment for at least 24 months after the date of the milk transfer referred to in subparagraph 1 of the first paragraph.

11.4.4. When collecting milk, the tester must comply with the requirements of subparagraphs 1 to 3 of the third paragraph of section 2.2.3 and also ensure that the door of the milk house remains closed.

§2. Transportation of milk

11.4.5. No person may transport from a dairy farm to a dairy plant any milk that has been rejected by a tester.

11.4.6. The tank of a milk transport vehicle must not be used to transport other products, unless the products are for human consumption and are not likely to affect the milk.

11.4.7. A tank truck used to transport milk must

(1) have an airtight access port with a stainless steel hatch protected against dust by an exterior cover of hard, smooth, washable, impervious and corrosion-proof material;

(2) have a compartment designed and used so that the milk sampling and transfer equipment and the milk samples are protected against any source of contamination;

(3) be equipped with an automatic system for washing and sanitizing by flushing;

(4) be constructed to prevent undulations in the tank walls and provide complete drainage of the tank; and

(5) be equipped with a mechanical milk sampler, which must be maintained at a temperature of not less than 2°C; the tank truck must also be equipped for manual collection of samples.

The tank of a vehicle used exclusively to transport milk from dairy species other than cows or goats need not meet the requirements of subparagraph 5 of the first paragraph.

11.4.8. The interior and exterior walls of the tank and the welded seams and other joints must be

(1) smooth, washable, impervious, corrosion-resistant and free of cavities and cracks;

(2) designed to protect the milk against any source of contamination;

(3) non-toxic and resistant to washing and sanitizing operations; and

(4) unaffected by milk and the other food products referred to in section 11.4.6 and constructed or made so as not to affect them.

The interior wall of the tank must be of stainless steel.

11.4.9. The hose, pump and all equipment coming into contact with milk or the other food products referred to in section 11.4.6 must be

(1) smooth, washable, impervious, corrosion-resistant and free of cavities and cracks;

(2) non-toxic and resistant to washing and sanitizing operations;

(3) unaffected by milk and manufactured so as not to affect the milk or other products; and

(4) protected against any source of contamination.

11.4.10. A tank used to transport milk, and the equipment and welded seams and other joints of the tank must be constructed or made in accordance with the standards prescribed by the International Association of Food Industry Suppliers (IAFIS), the International Association for Food Protection (IAFP), the United States Public Health Service (USPHS), the Dairy Industry Committee (DIC) and the United States Department of Agriculture (USDA) Dairy Programs under the 3-A Sanitary Standards for Stainless Steel Automotive Transportation Tanks for Bulk Delivery and Farm Pick-up Service, Number 05-15, as published in Dairy Food and Environmental Sanitation, December 2002 (Vol. 22, No. 12).

11.4.11. A vehicle used to transport milk in containers must be equipped to protect the milk and the containers against any source of contamination. It must also be designed to prevent the temperature of the milk from rising above 4°C until it is delivered to the dairy plant.

11.4.12. A carrier must have the tanks used to collect milk inspected by an authorized person.

The authorized person affixes a certificate of compliance to tanks that comply with the standards prescribed by this Regulation.

11.4.13. The tank of a vehicle used to transport dairy products and its equipment must be washed and sanitized after the day's last complete unloading at the dairy plant or, if the milk cannot be unloaded from the tank on the day it is collected, after the first complete unloading at the dairy plant on the following day. The truck tank and equipment must also be washed and sanitized after unloading the other food products referred to in section 11.4.6.

A dairy plant operator must for that purpose provide the tester or other milk collector with premises and the equipment and materials necessary for washing and sanitizing operations. The dairy plant operator must also ensure that the containers used to transport milk are washed and sanitized after use.

11.4.14. After collection, the milk must be transferred

(1) to a receiving tank in a dairy plant; or

(2) to a tank or silo located on the site of a dairy plant or a transfer station that is equipped and maintained so that the transfer operations are performed under sanitary conditions.

11.4.15. For the purposes of sections 11.4.13 and 11.4.14, "dairy plant" does not include a vehicle.

11.4.16. Section 11.4.6, subparagraphs 1 to 4 of the first paragraph of section 11.4.7 and sections 11.4.8 to 11.4.13 also apply to vehicles used to transport milk from one dairy plant to another or from a transfer station referred to in paragraph 2 of section 11.4.14 to a dairy plant.

DIVISION 11.5
CONSTRUCTION, LAYOUT AND OPERATION OF DAIRY PLANTS

§1. Construction and layout

11.5.1. In addition to the conditions set out in sections 3.1 to 3.3 of the Act and Chapters 1 and 2 of this Regulation, the construction, layout and operation of a dairy plant must meet the standards set out in this Division.

11.5.2. A dairy plant must be located not less than 30 metres from any source of contamination.

11.5.3. A dairy plant must contain

(1) a milk receiving room, except as provided in section 11.5.4;

(a) a mechanical milk sampler that must be kept at a temperature of not less than 2°C if it receives cow's milk;

(b) a system of automatic washing by flushing for the milk transport tank and washing facilities for the materials and equipment used during milk collection and milk receiving; and

(c) an area where the milk samples taken may be stored and handled under sanitary conditions;

(2) premises used exclusively for storing containers of raw milk, if applicable;

(3) preparation premises with entrances that do not open directly onto a waste room or a washroom;

(4) a refrigeration room or facility;

(5) a room or area for receiving ingredients and packaging and for shipping finished products;

(6) a storage room containing an area set aside for products and ingredients and an area set aside for packaging material;

(7) a waste compartment or room equipped with a door that opens to the outside;

(8) if the dairy plant operator has employees, change rooms and a washroom that do not open directly onto dairy product preparation and storage premises;

(9) a closed compartment or room where washing materials and cleaning agents and sanitizers are stored;

(10) a closed compartment or room where pesticides and other pest control products are stored; and

(11) a room used exclusively for heating units, compressors and electrical panelboards in which an area is set aside for the repair and maintenance of equipment.

11.5.4. The milk receiving room referred to in paragraph 1 of section 11.5.3 is not required if

(1) the dairy plant does not receive any milk shipments by milk transport tank;

(2) there is only a partial transfer of milk to the dairy plant's facilities from the tank of vehicles used to collect milk;

(3) the dairy plant receives only milk delivered in containers; or

(4) the dairy plant operator provides testers or other milk collectors with premises and the equipment and materials necessary for washing and sanitizing the tanks of milk transport vehicles and their equipment, as required by the second paragraph of section 11.4.13.

In the circumstances described in subparagraphs 2 to 4 of the first paragraph, the dairy plant must nevertheless contain an outside area for receiving milk where the ground is covered with a hard impervious material and equipped with a drain. The dairy plant must also contain the area referred to in subparagraph *c* of paragraph 1 of section 11.5.3 for handling samples.

11.5.5. In addition to meeting the standards set out in sections 2.1.2 to 2.1.5, a dairy plant must also meet the following requirements:

(1) the floor must

(a) be designed to prevent accumulation of water and dirt; and

(b) allow the discharge of wastewater in a manner to prevent back-flow, the spread of odours that could affect the products, and contamination of the dairy plant;

(2) the ceiling, walls, doors and windows must be coated with hard, smooth, washable and impervious material;

(3) the elevated facilities such as walkways and conduits in the preparation areas must be coated with hard, smooth, washable and impervious material;

(4) the preparation premises and areas must have the necessary facilities and materials for hand washing, drying and sanitizing and the facilities must be accessible and supplied with hot and cold potable running water under pressure;

(5) the dairy plant must be equipped with a hot and cold potable water distribution system under pressure that is protected against any source of contamination and contains a filtration system that eliminates sediment from the potable water used in the preparation of the dairy products;

(6) the dairy plant must be provided with hoses and nozzles for washing the premises and facilities;

(7) the dairy plant must be equipped with a rainwater and wastewater disposal system designed with separate drainage systems and having inspection ports, flush mechanisms, drainage siphons, protection grids and a solids interceptor; washroom drainage piping must be separate from that of the other facilities until outside the plant; and

(8) the dairy plant must be equipped with a ventilation system providing constant air renewal and removal of vapours, condensation and odours that could affect or contaminate the dairy products.

11.5.6. The washrooms of a dairy plant must be supplied with hot and cold potable water under pressure and hand washing and sanitary drying materials.

11.5.7. A dairy plant operator must notify an authorized person in writing of any alteration to the dairy plant or the construction of a new building at least 30 days before the start of the work.

§2. Operation

11.5.8. In addition to the requirements of the third paragraph of section 2.2.3, a person assigned to the preparation or handling of dairy products, ingredients or packaging material must

(1) wear light-coloured work clothes that will readily show dirt and that have no pockets above the waist; the work clothes must be used exclusively for work at the dairy plant;

(2) change clothes or wear a protective garment and disinfect shoes whenever there is a risk of product contamination; and

(3) refrain from chewing gum.

All other persons who enter receiving, preparation, washing or storage areas or premises must, in addition to wearing the protective garment provided by the dairy plant operator, comply with the requirements of subparagraphs 1, 2 and 5 of the third paragraph of section 2.2.3 and section 2.2.3.1.

11.5.9. Steam introduced into the dairy products or coming into direct contact with the surfaces of materials and equipment used to prepare the dairy products must be generated from potable water and must be free of contamination.

Air used in the dairy product preparation processes must be free of contamination.

11.5.10. The surfaces of materials and equipment that come into contact with the products must meet the standards set out in section 2.1.4.

The doors of all premises must be closed after each use.

11.5.11. Materials and equipment that come into contact with the products must be

(1) washed immediately after use or whenever they become contaminated;

(2) kept dry and stored away from any source of contamination; and

(3) sanitized immediately before use.

The surfaces of the equipment and materials must be scoured using a non-metallic device or pad.

11.5.12. Waste must be disposed of in a manner that does not contaminate the products, premises, materials and equipment or the surrounding area of the plant and is not likely to contaminate the potable water.

In addition to meeting the standards set out in the second paragraph of section 2.1.3.3, waste receptacles must have hermetically sealable lids and be made of washable material resistant to waste and cleaning products. The receptacles must be brought to the waste room or compartment at the end of the day's operations or as soon as they are full.

11.5.13. All cleaning agents, sanitizers, pesticides and other pest control products must be stored in a room, a closed compartment or an area used exclusively for that purpose. The compartment or area must be located outside the premises where dairy products are prepared. All containers of cleaning agents, sanitizers, pesticides or other control products must be marked to identify their contents.

Despite the first paragraph, if a portion of cleaning agent or sanitizer must be used on a daily basis, identified containers of the daily-use portions may be stored inside the product preparation premises in a closed compartment in a manner that does not contaminate the dairy products or the materials and equipment that come into contact with them.

11.5.14. No person may use a container or packaging material that is not in the Reference Listing of Accepted Construction Materials, Packaging Materials and Non-Food Chemical Products published by the Canadian Food Inspection Agency and available through the Internet at http://www.inspection.gc.ca.

11.5.15. Cheese must be ripened in a dairy plant.

11.5.16. If temperatures are recorded with a thermograph referred to in the second paragraph of section 2.1.3.2 or an equivalent device, the curves in each chart must not overlap.

The temperature of every room or area and every refrigeration facility must be taken or recorded daily on a chart and a record maintained of

(1) the name of the person in charge of monitoring the room, area or facility;

(2) the room, area or facility whose temperature was taken or recorded; and

(3) the date the temperature was taken.

11.5.17. A dairy plant operator must maintain a record for each ingredient purchased or received containing

(1) the name of the ingredient purchased or received;

(2) the exact quantity or weight;

(3) the date of receipt;

(4) the lot number or, if the ingredient is raw milk, the name and address of the dairy producer; and

(5) for ingredients other than milk, the name, address and telephone number of the supplier.

11.5.18. A dairy plant operator must maintain a record for each dairy product prepared in the plant containing

(1) the name of the dairy product prepared;

(2) the date of preparation;

(3) the exact quantity or weight of each ingredient used;

(4) the lot number of each ingredient or, in the case of raw milk, the dairy producer's identification number assigned by the producers marketing board administering the joint dairy marketing plan established under the Act respecting the marketing of agricultural, food and fish products or, in the absence of a joint plan, the dairy producer's name and address or any other identifying number;

(5) the lot number of the dairy product prepared; and

(6) the exact quantity or weight of each lot of dairy product prepared.

11.5.19. A dairy plant operator must maintain a record for the dairy products the operator ships or delivers containing

(1) the name of the dairy product shipped or delivered;

(2) the exact quantity or weight;

(3) the lot number;

(4) if applicable, the name, address and telephone number of the supplier of any pre-prepared dairy product;

(5) the shipping or delivery date; and

(6) the name, address and telephone number of the consignee and, if applicable, the address of the place where the dairy products are stored.

11.5.20. Invoices and other supporting documents may serve as a record provided they contain the same information as that required by sections 11.5.17 to 11.5.19

The records must be arranged in alphabetical order and retained for at least 12 months from the date of the last entry. The same applies to invoices and other supporting documents, which must be retained for at least 12 months from the date they are produced or received.

The records, invoices or other supporting documents for dairy products that can be stored for longer than 12 months must be retained for 24 months.

Records, invoices and other supporting documents must be legible and be available on the operating premises. They must be produced at the request of an authorized person.

11.5.21. This Division, except paragraphs 1, 2, 5 and 8 of section 11.5.3, section 11.5.4 and paragraph 7 of section 11.5.5, applies, with the necessary modifications, to vehicles referred to in subparagraph *c*.2 of the first paragraph of section 1 of the Act.

The vehicles must be connectable to a potable water distribution system that meets the standards set out in paragraph 5 of section 11.5.5 and must allow wastewater to be discharged without risk of contaminating the vehicle or the products. The vehicles must also have the materials necessary for washing and sanitizing operations and a storage compartment for the products, ingredients and packaging material.

11.5.22. This Division, except sections 11.5.3, 11.5.4, 11.5.9, 11.5.10, 11.5.11, 11.5.17, 11.5.18 and 11.5.21, applies, with the necessary modifications, to dairy product warehouses.

For the purposes of this Division, a dairy plant used only for ripening pre-packaged cheese is considered to be a dairy product warehouse.

DIVISION 11.6
SPECIAL PROVISIONS APPLYING TO THE PREPARATION OF CERTAIN RAW MILK OR UNPASTEURIZED CHEESES

11.6.1. This Division applies to dairy plant operators that prepare soft or semi-soft cheeses from raw or unpasteurized milk, and market them without a minimum 60-day ripening period at 2°C or higher after their preparation start date.

This Division also applies to dairy producers that supply the dairy plant operators with milk for the preparation of those cheeses.

11.6.2. In addition to the conditions set out elsewhere in this Regulation, dairy plant operators subject to this Division must comply with the following standards:

(1) if the potable water used by the dairy plant is not supplied by a distribution system governed by the Regulation respecting the quality of drinking water made by Order in Council 647-2001 dated 30 May 2001, the

dairy plant operator must have the potable water in the plant's distribution system analyzed monthly by a laboratory accredited by the Minister of Sustainable Development, Environment and Parks under section 118.6 of the Environment Quality Act to ensure that the water is free of fecal coliforms and *Escherichia coli* bacteria and that it contains no more than 10 total coliforms per 100-millilitre water sample;

(2) the dairy plant operator must use only milk that is free of pathogenic micro-organisms to prepare the cheeses referred to in section 11.6.1;

(3) the dairy plant operator must use the milk within 24 hours after the milking;

(4) the dairy plant operator must test the milk monthly to ensure it is free of *Listeria monocytogenes* bacteria and meets the standards set out in Schedule 11.A regarding *Staphylococcus aureus* bacteria, and test the milk every three months to ensure it is free of *Salmonella* bacteria;

(5) the dairy plant operator must test the cheeses monthly to ensure that the sample analyzed contains no more than 500 colony-forming units per gram of *Escherichia coli* bacteria or 1,000 colony-forming units per gram of *Staphylococcus aureus* bacteria and is free of *Listeria monocytogenes* bacteria, and test the cheeses every three months to ensure that they are free of *Salmonella* bacteria.

If the milk is not free of pathogenic micro-organisms or the analysis required by subparagraph 4 of the first paragraph shows that the milk does not meet the standards set out in Schedule 11.A regarding *Staphylococcus aureus* bacteria, the dairy plant operator must cease acquiring milk from the dairy producer that supplied the milk until analysis results are negative for two consecutive days.

If the analysis required by subparagraph 5 of the first paragraph shows a concentration of *Escherichia coli* or *Staphylococcus aureus* bacteria higher than the permitted concentration, the dairy plant operator must have the necessary number of samples of those cheeses analyzed to ensure that the standards set out in Schedule 11.C are met.

11.6.3. Dairy plant operators subject to this Division must maintain a record of

(1) the name and address of the dairy producer supplying the dairy plant;

(2) the milking dates and times for the milk used in the preparation of the cheeses referred to in section 11.6.1;

(3) the start dates and times of the cheese preparation process;

(4) the temperature and acidity readings of the cheeses during preparation;

(5) the dates and results of the analyses required by subparagraphs 1, 4 and 5 of the first paragraph of section 11.6.2; and

(6) the names of the cheeses.

The information in the record must be retained at the dairy plant for at least 12 months after the date on which it is entered.

11.6.4. Dairy producers subject to this Division must have the health of their herds tested monthly by a veterinary surgeon in a program that includes

(1) a monthly visit consisting of

(a) an assessment of the general state of health of the herd;

(b) preventive mastitis control measures;

(c) the individual somatic cell counts of lactating animals;

(d) verification and interpretation of all milk analysis results; and

(e) preventive monitoring of the herd;

(2) a microbiological analysis of the milk of each animal

(a) upon establishment of the program;

(b) upon the introduction of the animal into the herd;

(c) at the beginning of lactation; and

(d) after treatment of mastitis and before reintroduction of the milk into the bulk milk tank; and

(3) a herd health record containing

(a) a general record containing

i. dates of herd vaccinations and dewormings;

ii. vaccines and vermifuges administered;

iii. identification of the vaccinated and dewormed animals; and

iv. withdrawal times to be observed; and

(b) the individual health record of each dairy animal containing

i. the animal's identification number and, if applicable, its name;

ii. its birth date;

iii. its breed; and

iv. a section on the general health of the animal and a section on the health of the udder containing the diagnoses made by a veterinary surgeon, dates of the diagnoses, prescribed treatments, medications administered and withdrawal times.

A dairy producer must keep the following documents with the records referred to in subparagraph 3 of the first paragraph:

(1) medication prescriptions;

(2) copies of the veterinary surgeons' statements of fees;

(3) reports of the monthly visits by a veterinary surgeon; and

(4) results of the microbiological analyses referred to in subparagraph 2 of the first paragraph.

The information in the records must be retained at the dairy farm for at least 12 months after the date on which it is entered. The same retention period applies to the documents referred to in the second paragraph from the date they are produced.

11.6.5. Dairy producers subject to this Division must also

(1) implement a monthly milk monitoring program to ensure that the standards set out in Schedule 11.A regarding the somatic cell count in the milk produced by each animal are met;

(2) if the potable water in their distribution system is not supplied by a distribution system governed by the Regulation respecting the quality of drinking water, have the water analyzed monthly by a laboratory accredited by the Minister of Sustainable Development, Environment and Parks under section 118.6 of the Environment Quality Act to ensure that it is free of fecal coliforms and *Escherichia coli* bacteria and that it contains no more than 10 total coliforms per 100-millilitre water sample; and

(3) have their milking equipment tested and calibrated yearly by the manufacturer or by a distributor that installs milking equipment.

11.6.6. In addition to the herd health records referred to in subparagraph 3 of the first paragraph of section 11.6.4, dairy producers subject to this Division must maintain a record of

(1) the dates and times of milkings;

(2) the date on which the producer's milking equipment was tested and calibrated in accordance with paragraph 3 of section 11.6.5 and the name, address and capacity of the person who performed those operations;

(3) the data collected from the milk monitoring program under paragraph 1 of section 11.6.5; and

(4) the dates and results of the potable water analyses under paragraph 2 of section 11.6.5.

The information in the record must be retained at the dairy farm for at least 12 months after the date on which it is entered.

11.6.7. A dairy producer must provide the information referred to in subparagraph 1 of the first paragraph of section 11.6.6 to the dairy plant operator.

DIVISION 11.7
HEAT TREATMENT

11.7.1. Subject to Division 11.6 and section 11.7.4, all dairy products used in the preparation of any food for human consumption must be subjected to pasteurization in accordance with the standards set out in Schedule 11.B or to ultra-high temperature treatment.

In addition, an analysis of a sample from a dairy product or a food product containing milk or cream that has been pasteurized or treated using ultra-high temperature must show a negative reaction to the alkaline phosphatase test according to the method used.

11.7.2. Subject to Division 11.6 and section 11.7.4, no person may hold, prepare, purchase for sale, make available for sale or storage or offer for sale or storage, sell, serve in a place where it will be consumed, transport, cause to be transported or accept for a destination anywhere in Québec, a raw dairy product or a food product containing raw milk or cream for human consumption, unless it is for the purpose of subjecting it to heat treatment in accordance with the standards set out in this Division.

11.7.3. Pasteurization or any other heat treatment must be performed in a dairy plant.

11.7.4. Despite sections 11.7.1 and 11.7.2, pasteurization or ultra-high temperature treatment is not required for milk or cream used in the preparation of

(1) cheeses that have a minimum 60-day ripening period at 2°C or higher after their preparation start date; and

(2) soft cheese or semi-soft cheese that has a ripening period shorter than the period in paragraph 1, if the cheese is prepared by a dairy plant operator that complies with the raw milk cheese preparation standards set out in Division 11.6.

11.7.5. During the pasteurization process, the temperature of every particle of the dairy product must not fall below the temperatures in Schedule 11.B; during ultra-high temperature processing, the temperature must not fall below the temperatures referred to in section 11.1.1.

Every particle of an unfermented or unconcentrated fluid dairy product and cheese whey must be cooled to the storage temperature required by section 1.4.1 immediately after pasteurization, or immediately after ultra-high temperature treatment if the dairy product or cheese whey is not aseptically packaged in sterilized hermetically sealed containers.

For low-temperature slow pasteurization, the dairy product or cheese whey must be cooled within one hour.

11.7.6. A dairy product must not come into contact with coolants or heating liquids, pressurized steam that is contaminated or generated from non-potable water, or any source of contamination during any stage of a heat treatment process referred to in section 11.7.1. A dairy product that has been subjected to the process must not come into contact with a dairy product that has not.

11.7.7. During all stages of high-temperature short-time pasteurization or ultra-high temperature treatment, the pressure of the dairy product must be maintained at 7 kilopascals greater than the pressure of the steam and cooling or heating liquids. The pressure of a dairy product that has been subjected to the process must be maintained at 7 kilopascals greater than the pressure of a dairy product that has not.

11.7.8. Equipment used in high-temperature short-time pasteurization or in ultra-high temperature treatment must ensure

(1) monitoring of the pressure relationship as provided in section 11.7.7;

(2) monitoring with a thermometer of the temperature of pasteurization or ultra-high temperature treatment throughout the pasteurization process and, for milk or cream sold or offered as such, the last temperature of the milk or cream when leaving the heat exchanger;

(3) continuous recording, with a thermograph or equivalent device, of the temperature of pasteurization or ultra-high temperature treatment, the temperature of the diverted flow, the position of the flow diversion valve, and the last temperature of milk or cream sold or offered as such when it leaves the heat exchanger;

(4) monitoring of the milk flow and, if the pasteurizer has a magnetic flowmeter, recording of the flow and the position of the flow diversion valve; and

(5) automatic diversion of the dairy product from the regular flow if the high-temperature short-time pasteurization times and temperatures in Schedule 11.B are not reached or the ultra-high temperature treatment is not achieved and, if required, discharge of the dairy product into the supply tank to subject it to pasteurization or ultra-high temperature treatment a second time.

Despite subparagraph 5 of the first paragraph, an automatic diversion device is not required on high-temperature short-time pasteurizers or ultra-high temperature treatment equipment having an automatic shut-down device to stop the processing of the dairy products if

(1) the pasteurization time or temperature in Schedule 11.B is not attained;

(2) the ultra-high temperature treatment is not achieved; or

(3) the pressure of a dairy product subjected to the treatment is not maintained at 7 kilopascals greater than the pressure of a dairy product that has not been subjected to it.

The automatic shutdown device must also start and control the washing and sanitizing cycles of the pasteurizer or ultra-high temperature treatment equipment.

11.7.9. Equipment used in low-temperature slow pasteurization must ensure

(1) continuous agitation of the dairy product so as to maintain uniform temperature;

(2) protection of the dairy product against any source of contamination by means of a lid;

(3) throughout the pasteurization process, thermometer monitoring of the dairy product temperature and the temperature of the air between the dairy product and the lid; and

(4) continuous recording of the dairy product temperature with a thermograph or equivalent device.

The temperature of the air between the dairy product and the lid taken at a distance of between 2.5 centimetres above the dairy product and 5 to 9 centimetres below the lid must be at least 3°C higher than the minimum pasteurization temperature.

11.7.10. Equipment used to sterilize dairy products in their containers must ensure

(1) throughout the sterilization process, thermometer monitoring of the sterilization temperature and continuous recording with a thermograph or equivalent device of the duration and temperature of the sterilization process; and

(2) continuous monitoring and recording of the pressure inside the sterilizer during sterilization.

11.7.11. A chart of the data recorded by a thermograph or equivalent device must be made for each day of use. The chart must

(1) contain curves that do not overlap and that represent real time;

(2) contain the date, identification of the equipment and operations for which it was used and name of the equipment operator;

(3) show a comparison between the temperature reading of the indicating thermometer and the temperature recorded by the thermograph or equivalent device during the holding period during which the dairy product is maintained at the required temperatures during the heating process; and

(4) show the temperature of the airspace referred to in subparagraph 3 of the first paragraph of section 11.7.9 at the start and end of the holding period.

Charts must be retained at the dairy plant for at least 12 months after the date on which the data are recorded or for at least 24 months if the dairy product prepared can be stored for longer than 12 months.

11.7.12. A dairy plant operator must have the plant's pasteurizers or ultra-high temperature treatment equipment tested and calibrated by a holder of a certificate issued by the Institut de technologie agroalimentaire attesting that the holder is qualified for that purpose.

The pasteurizers and equipment must be tested and calibrated in accordance with generally recognized calibration practices, methods and frequencies for that type of equipment and, in the case of high-temperature short-time pasteurizers and ultra-high temperature treatment equipment, numbered seals must be affixed by the person referred to in the first paragraph on the following devices that have been calibrated:

(1) flowmeters;

(2) thermographs;

(3) pressure gauges; and

(4) flow diversion valves.

The person referred to in the first paragraph must also, if applicable, seal every access port of every computer connection capable of modifying the control parameters of pasteurizers.

The dairy plant operator must maintain a record of the dates and results of the testing of every device, the name and address of the tester and, if applicable, the seal numbers affixed by the tester.

The information in the record must be retained at the dairy plant for at least 12 months after the date on which it is entered or for at least 24 months if the information relates to a dairy product that can be stored for longer than 12 months.

11.7.13. Only pasteurizers or ultra-high temperature treatment equipment that have been tested and calibrated by a person referred to in the first paragraph of section 11.7.12, and whose devices referred to in that paragraph bear the seals affixed under that paragraph, may be used for pasteurization or ultra-high temperature treatment of dairy products.

DIVISION 11.8
STANDARDS FOR DAIRY PRODUCTS

§1. Composition of dairy products

11.8.1. Milk for human consumption as such must meet the following standards:

(1) whole milk must contain not less than 3.25% milk fat and not less than 8.25% non-fat milk solids, and have a Vitamin D content per litre of not less than 355 and not more than 465 international units;

(2) partly skimmed milk must contain 1% or 2% milk fat and not less than 8.25% non-fat milk solids, and have a Vitamin A content per litre of not less than 1,410 and not more than 2,930 international units and a Vitamin D content per litre of not less than 355 and not more than 465 international units;

(3) skim milk must contain not more than 0.1% milk fat and not less than 8.25% non-fat milk solids, and have a Vitamin A content per litre of not less than 1,410 and not more than 2,930 international units and a Vitamin D content per litre of not less than 355 and not more than 465 international units;

(4) enriched partly skimmed milk must contain 1% or 2% milk fat and not less than 10% non-fat milk solids, and have a Vitamin A content per litre of not less than 1,410 and not more than 2,930 international units and a Vitamin D content per litre of not less than 355 and not more than 465 international units;

(5) enriched skim milk must contain not more than 1% milk fat and not less than 10% non-fat milk solids, and have a Vitamin A content per litre of not less than 1,410 and not more than 2,930 international units and a Vitamin D content per litre of not less than 355 and not more than 465 international units per litre;

(6) fermented milk must be obtained by the action of a bacterial culture and must contain not less than 8.5% non-fat milk solids and not less than 0.7% lactic acid;

(7) buttermilk must be made from the preparation of butter and must contain not more than 2% milk fat and not less than 8.5% non-fat milk solids.

The dairy products referred to in subparagraphs 1 to 6 of the first paragraph must not be prepared from milk powder mixed with water or from milk protein concentrates. They must have a casein and milk serum protein concentration at least equal to that of the raw milk used to prepare the products. Only non-fat solids are used to determine the casein and milk serum protein content.

A preparation process for the products referred to in subparagraphs 1 to 5 of the first paragraph that results in reducing the milk protein content of the raw milk used to prepare the products or in lowering the casein/serum protein ratio of the raw milk may not be used.

Non-fat solids added to enrich milk must be from Grade Canada 1 skim milk powder in accordance with the Dairy Products Regulations, SOR/79-840 (1979) 113 Canada Gazette II, 4260.

Despite subparagraphs 1 to 5 of the first paragraph, adding vitamins to kosher milk, goat's milk and sheep's milk is not mandatory. The composition standards set out in subparagraphs 1 to 5 of the first paragraph do not apply to goat's milk and sheep's milk if no vitamins are added.

Folic acid at a level of not less than 5 and not more than 10 micrograms per 100 millilitres of ready-to-serve milk may be added to fluid goat's milk or goat's milk powder, in which case the third paragraph does not apply but the composition standards set out in subparagraphs 1 to 5 of the first paragraph apply.

11.8.2. Cultured buttermilk and cream for human consumption as such must meet the following standards:

(1) cultured buttermilk must be obtained by fermenting milk with a bacterial culture and contain not more than 3.25% milk fat, not less than 8.25% non-fat milk solids and not less than 0.7% lactic acid;

(2) cream must contain not less than 10% milk fat; light cream must contain not less than 7% and not more than 7.5% milk fat;

(3) whipping cream must contain not less than 32% milk fat;

(4) sour cream must be obtained by fermenting cream with a bacterial culture or by the action of an acidulant and must contain not less than 10% milk fat; light sour cream must contain not less than 7% and not more than 7.5% milk fat and not less than 0.2% lactic acid.

11.8.3. Yogourt must be obtained by fermenting milk, partly skimmed milk or skim milk and must contain

(1) not less than 0.7% lactic acid;

(2) not less than 9.5% non-fat milk solids and not less than 2.8% milk protein;

(3) not less than 1 x 10^7 colony-forming units per gram or per millilitre, depending on the form of presentation of the product, of live *Lactobacillus bulgaricus* and *Streptococcus thermophilus* bacteria.

Yogourt may contain

(1) fruit, fruit juice or fruit extracts, jam, confections, grains, cereal, fibre, spices, vegetables, herbs, peanuts, nuts, seasonings or any other flavouring preparation within the meaning of the Food and Drug Regulations;

(2) food additives within the meaning of the Food and Drug Regulations;

(3) vitamins, minerals, and omega-3 and omega-6 polyunsaturated fatty acids;

(4) table salt; and

(5) cultures of harmless micro-organisms.

Yogourt that contains fruit, fruit juice or fruit extracts, jam, confections, grains, cereal, fibre, spices, vegetables, herbs, peanuts, nuts, seasonings or any other flavouring preparation within the meaning of the Food and Drug Regulations must contain, despite subparagraph 2 of the first paragraph, not less than 7.6% non-fat milk solids and not less than 2.8% milk protein and have a preservative content of not more than 50 parts per million.

Despite subparagraph 2 of the first paragraph and the third paragraph, a yogourt drink must contain not less than 6.5% non-fat milk solids and not less than 2.2% milk protein.

If a yogourt contains stabilizers, gelling agents, thickeners or emulsifiers, their content must not exceed 2%.

The addition of any ingredient not referred to in this section is prohibited.

11.8.4. Composition standards set out in sections 11.8.1 to 11.8.3 that establish a content standard for a dairy product component refer to the percentage by weight of the component per 100 parts of the dairy product.

11.8.5. All vitamins must be added before the milk is subjected to a heat treatment referred to in section 11.7.1.

11.8.6. Composition and identity standards that are not expressly referred to in this Division are the standards set out in the Food and Drug Regulations and in the Dairy Products Regulations. However, no person may add titanium oxide to dairy products.

All ingredients and components that go into the preparation of the products must meet the applicable standards set out in Parts B, D and E of the Food and Drug Regulations and must be used in the manner prescribed by those regulations.

11.8.7. A dairy plant operator may standardize the fat content of the diary products referred to in sections 11.8.1 to 11.8.3 provided it is done by removing or adding skim milk or partly skimmed milk or cream to the dairy product.

11.8.8. Subject to subparagraphs 1 to 5 of the first paragraph of section 11.8.1 and section 11.8.7, no person may add any ingredient to the dairy products referred to in those provisions, except lactase, flavouring preparations that meet the standards under Division 10 of Part B of the Food and Drug Regulations and, if such a preparation is added, sweeteners, salt, food colours, stabilizers and not more than 0.5% starch.

11.8.9. No non-milk protein substitutes or non-milk fat substitutes may be added to a dairy product

§2. Microbiological standards

11.8.10. No dairy product for human consumption may contain any pathogenic micro-organisms, microbial toxins, inhibitors or other contaminants.

11.8.11. Every dairy product listed in Schedule 11.C that is in a dairy plant, warehouse or distribution vehicle must meet the microbiological standards set out in the Schedule.

The dairy products referred to in section 11.7.4 that are listed in Schedule 11.C and that are in such a plant, warehouse or vehicle must also meet those standards as soon as they are ready for marketing.

11.8.12. All dairy products that have been subjected to ultra-high temperature treatment and have been aseptically packaged in sterilized hermetically sealed containers, as well as all products that have been sterilized in their containers, must be commercially sterile.

§3. Storage temperatures

11.8.13. Despite section 1.4.1, the following dairy products may be stored at the normal room temperature of the premises in which they are kept:

(1) hard cheese;

(2) processed cheese, processed cheese spread and processed cheese preparation if they are maintained in their unopened original packaging;

(3) powdered dairy products; and

(4) commercially sterile dairy products if they are maintained in their unopened original packaging.

The following cheeses made from pasteurized milk with a moisture content of not less than 36% and not more than 44% may be stored at a room temperature of not more than 24°C for 24 hours after the date of their preparation:

(1) fresh cheddar cheese;

(2) cheddar cheese curds; and

(3) unripened firm or semi-soft cheese with a minimum milk fat content of 25%.

§4. Labelling and packaging of dairy products

11.8.14. The following information must appear in indelible, legible and visible characters on the container or package of all dairy products packaged for sale:

(1) the name of the product, or if the product is prepackaged cheese subject to section 70 of the Dairy Products Regulations, the information prescribed by that section;

(2) the name and address of the preparer or the name and address of the person for which the product is prepared and the number of the dairy plant where the dairy product has been prepared;

(3) the product volume in millilitres or litres or weight in grams or kilograms; if the dairy product is sold in a container or package holding individually wrapped units or portions of not more than 60 millilitres or 20 grams, the number of units or portions in the container or package and the volume or weight of each unit or portion must appear on the container or package; the volume or weight is not required to appear on the individual units or portions sold in such a container or package;

(4) a list of all ingredients and their components in descending order of predominance;

(5) for cheeses referred to in the second paragraph of section 11.8.13, the date of preparation and the words "refrigerate within 24 hours after the date of preparation";

(6) for cheeses made from raw milk, the start date of preparation and the words "made from raw milk" on the principal display panel of the label and in the list of ingredients;

(7) for cheeses made from milk that has been subjected to heat treatment at a temperature lower than that of pasteurization, the start date of preparation and the words "unpasteurized milk" in the list of ingredients;

(8) instructions for proper storage, if other than at normal room temperature;

(9) for dairy products with a durable life of 90 days or less, the words "best before" followed by the date;

(10) the product lot number;

(11) for dairy products prepared with the milk of a dairy species other than a cow, the dairy species displayed on the principal display panel of the label;

(12) the milk fat percentage and, for cheese, the moisture percentage; the milk fat percentage is not required to appear for butter, frozen dairy products, powdered milk products, evaporated milk and sweetened condensed milk; for goat's milk and sheep's milk packaged for sale, the milk fat percentage may be replaced by the minimum and maximum milk fat percentages;

(13) for milk, partly-skimmed milk or skim milk that contains 10% or more non-fat milk solids, the words "with added milk solids";

(14) for yogourt in a beverage form, the words "yogourt beverage" on the principal display panel of the label;

(15) for dairy products referred to in subparagraphs 1 to 5 of the first paragraph of section 11.8.1, the words "Vitamin D added", "Vitamins A and D added", "Vitamin D and folic acid added", or "Vitamins A and D and folic acid added", as applicable;

(16) for dairy products treated with lactase, the words "lactose reduced" or "reduced lactose content" with the percentage reduction appearing immediately above;

(17) if a flavouring preparation has been added to the dairy product, the flavour must appear; for dairy products referred to in subparagraphs 1 to 5 of the first paragraph of section 11.8.1, the flavour must be part of the product name; and

(18) for dairy products subjected to ultra-high temperature treatment or aseptically packaged in sterilized hermetically sealed containers so that the product is commercially sterile after having been subjected to ultra-high temperature treatment, the abbreviation "UHT".

11.8.15. All prepackaged dairy products must be packaged as follows:

(1) butter, light butter or calorie-reduced butter must be packaged in containers or packages of less than 21 grams, in containers of 125, 250 or 454 grams, or in containers of 500 grams if the container or package holds individually wrapped 125-gram or 250-gram units;

(2) cream must be packaged in containers or packages of not less than 15 and not more than 500 millilitres, or in 1, 2, 10 or 20 litre containers or packages, or for sour cream, if the volume of the product is greater than 500 millilitres, in 1 or 2 litre containers or packages;

(3) all other fluid dairy products must be packaged in containers or packages of not less than 15 and not more than 500 millilitres, or in 1, 1.5, 2, 4, 10 or 20 litre containers or packages.

DIVISION 11.9
DAIRY PRODUCT SUBSTITUTES

§1. Authorized dairy product substitutes

11.9.1. For the purposes of this Division, sections 7.1 to 7.6 and subparagraph *k*.4 of the first paragraph of section 9 of the Act, the following substitutes are not considered to be dairy product substitutes:

(1) powdered mixes used by consumers in puddings, dessert toppings and pie fillings;

(2) salad dressings;

(3) dairy product substitutes prepared especially for infants and babies; and

(4) milk pudding substitutes.

11.9.2. No dairy product substitute may be prepared and marketed except

(1) margarine that is a butter substitute;

(2) liquid or powder coffee whitener that is a coffee cream substitute;

(3) liquid or foam dessert topping that is a whipped cream or whipping cream substitute;

(4) frozen dessert mixes that are ice cream mix substitutes; and

(5) frozen desserts that are ice cream substitutes.

§2. Construction, layout and operation of establishments where dairy product substitutes are prepared

11.9.3. Division 11.5 applies, with the necessary modifications, to establishments where dairy product substitutes are prepared and dairy product substitute warehouses, except paragraph 1 of section 11.5.3 and sections 11.5.4, 11.5.15 and 11.5.21.

The establishments must also have premises for receiving ingredients and components used in the preparation of the dairy product substitutes.

§3. Composition standards

11.9.4. In addition to the requirements of the Food and Drugs Act and its regulations, the dairy product substitutes listed in section 11.9.2 must meet the following requirements:

(1) margarine

(a) must contain refined vegetable, animal or fish or marine mammal oils, or a mixture of those oils, with a 22-carbon monounsaturated fatty acid content that represents not more than 5% of the total fatty acids in the oils and that weigh

i. the same as or 40% less than the total weight of all components; or

ii. the same as or 80% greater than that weight;

(b) may also have a non-fat milk solids content of not more than 2.8% of its total weight if it contains refined oils within the range set out in subparagraph i of subparagraph *a*, or 1.4% of its weight if it contains refined oils within the range set out in subparagraph ii of subparagraph *a*; and

(c) must be of a colour containing not more than one and six-tenths degrees nor less than ten and five-tenths degrees of yellow or a mixture of yellow and red as measured using the Lovibond tintometer;

(2) coffee whiteners must have a refined vegetable oil content of not less than 10% and may have a non-fat milk solids content of not more than 5%;

(3) dessert toppings must have a refined vegetable oil content of not less than 16% and may have a non-fat milk solids content of not more than 5%;

(4) frozen dessert mixes must have a refined vegetable oil content of not less than 10% and may have a non-fat milk solids content of not more than 10%; and

(5) frozen desserts must have a refined vegetable oil content of not less than 10%, must contain 50 grams of refined oils per litre, and may contain not more than 10% non-fat milk solids.

The composition standards set out in the first paragraph that establish a content standard for an ingredient or component of a dairy product substitute refer to the percentage by weight of the ingredient or component per 100 parts of the dairy product substitute.

11.9.5. The dairy product substitutes listed in section 11.9.2 must be free of any pathogenic microorganisms, microbial toxins or other contaminants.

11.9.6. Every dairy product substitute listed in Schedule 11.D that is in a plant, warehouse or distribution vehicle must meet the microbiological standards set out in the Schedule.

§4. Storage temperature

11.9.7. Despite section 1.4.1, the following dairy product substitutes may be stored at the room temperature of the premises in which they are kept:

(1) dairy substitute powders;

(2) commercially sterile dairy product substitutes maintained in their unopened original packaging.

§5. Labelling, packaging and advertising

11.9.8. The following information must appear in indelible, legible and visible characters on the container or package of all dairy product substitutes packaged for sale:

(1) for butter substitutes, the word "margarine", and for other substitutes, the word "substitute" with the name of the product it replaces, in letters at least half as high as the largest characters appearing on the container or package and at least as visible as any other information other than a trademark or brand name not prohibited by section 4.1 of the Act;

(2) the words "calorie-reduced" before the word "margarine" in the same lettering as that of the word "margarine" if the fat or refined oil content is not greater than 40% of its total weight;

(3) the name and address of the dairy product substitute preparer; or

(4) the name and address of the person for which the product is prepared and the dairy product substitute preparation permit number of the establishment where the product has been prepared;

(5) the product volume in millilitres or litres or weight in grams or kilograms; if the dairy product substitute is sold in a container or package holding individually wrapped units or portions of not more than 60 millilitres or 20 grams, the number of units or portions in the container or package and the volume or weight of each unit or portion must appear on the container or package; the volume or weight is not required to appear on the individual units or portions sold in such a container or package;

(6) a list of all ingredients and components in descending order of predominance and the percentage of the ingredient or component if a minimum or maximum is required by section 11.9.4;

(7) the percentage of each type of oil or fat of the total fat used in the margarine, in characters not less than two millilitres high;

(8) the lot number of the dairy product substitute; and

(9) instructions for proper storage of the product.

11.9.9. Despite section 11.9.8, the following information must appear in indelible, legible and visible characters on the container or package of margarine packaged for sale in units of not more than 60 grams:

(1) the words "margarine" or "calorie-reduced margarine" in letters at least half as high as the largest characters appearing on the container or package and at least as visible as any other information other than a trademark or brand name not prohibited by section 4.1 of the Act; and

(2) the name and address of the preparer; or

(3) the name and address of the person for which the product is prepared and the dairy product substitute preparation permit number of the establishment where the product has been prepared.

11.9.10. The following information must appear in indelible, legible and visible characters on the container or package of margarine that is packaged for sale to consumers in a form that is different from the form in which it was prepared in the plant:

(1) the word "margarine" or the words "calorie-reduced margarine" in letters at least half as high as the largest characters appearing on the container or package and at least as visible as any other information other than a trademark or brand name not prohibited by section 4.1 of the Act; and

(2) the name and address of the preparer; or

(3) the name and address of the person for which the product is prepared and the dairy product substitute preparation permit number of the establishment where the product has been prepared; and

(4) the percentage of each type of oil or fat of the total fat used.

11.9.11. A dairy plant operator that markets dairy product substitutes under the same name as the operator's dairy products must display the name in uniform characters not higher than three millilitres and sufficiently close to the words "margarine" and "substitute" to avoid confusion in the minds of consumers.

11.9.12. Dairy product substitutes that have been subjected to ultra-high temperature treatment and aseptically packaged in sterilized hermetically sealed containers and dairy product substitutes that have been sterilized in their containers must be commercially sterile.

11.9.13. In all advertising, a butter substitute must be expressly identified as "margarine" and other substitutes as "substitute" preceded by the name of the dairy product it replaces. The characters used to identify a dairy product substitute in written advertising must be the same as those used to display the trademark or brand name.

DIVISION 11.10
DISTRIBUTION OF DAIRY PRODUCTS AND DAIRY PRODUCT SUBSTITUTES

11.10.1. Dairy products or dairy product substitutes distribution workers must wear clean clothes in accordance with subparagraph 3 of the third paragraph of section 2.2.3.

11.10.2. No product that may transmit odours or constitute a source of contamination for dairy products and dairy product substitutes may be transported inside the transport compartment of a distribution vehicle and no person may smoke in the compartment.

11.10.3. The compartment of the distribution vehicle in which dairy products or dairy product substitutes are stored must

(1) have interior and exterior walls of smooth, washable, impervious material resistant to washing and sanitizing operations;

(2) be sufficiently impervious to prevent water, dust and insects from entering;

(3) be free of animals and animal excrement; and

(4) be kept closed except during loading and unloading operations.

11.10.4. The sides of vehicles distributing dairy products or dairy product substitutes must display the name and address of the preparer or distributor of the products in indelible, legible and visible characters.

DIVISION 11.11
PURCHASE AND WHOLESALE OF DAIRY PRODUCTS OR DAIRY PRODUCT SUBSTITUTES

11.11.1. Operators of dairy product or dairy product substitute wholesale establishments that do not operate a dairy plant or an establishment that prepares dairy product substitutes must maintain a record of

(1) the name of the product and the trade-mark;

(2) the product lot number;

(3) the name and address of the supplier and the quantity purchased from the supplier;

(4) the name and address of the buyer and the quantity sold to the buyer;

(5) the address of the place to which the product was shipped or delivered; and

(6) the shipping or delivery date.

11.11.2. Invoices and other supporting documents may serve as a record provided they contain the same information as that required by section 11.11.1.

The records must be arranged in alphabetical order and retained for at least 12 months from the date of the last entry. The same applies to invoices and other supporting documents, which must be retained for at least 12 months from the date they are produced or received.

The records, invoices or other supporting documents for dairy products that can be stored for longer than 12 months must be retained for 24 months.

Records, invoices and other supporting documents must be legible and be available on the operating premises. They must be produced at the request of an authorized person.

DIVISION 11.12
RETAIL SALE OF DAIRY PRODUCTS AND DAIRY PRODUCT SUBSTITUTES AND RESTAURANT TRADE

11.12.1. Dairy product substitutes must be displayed and made available for sale, sold or delivered in their original packaging and must not have undergone any change in composition or presentation since leaving the plant, unless the product is served in an establishment where food is served in return for payment and the consumer is informed by an indication on the menu or, if there is no menu, a sign or a label as provided in section 7.6 of the Act.

11.12.2. Dairy product substitutes must be displayed at a sufficient distance from dairy products to avoid misunderstanding or confusion in the minds of consumers.

11.12.3. Retailers or restaurateurs that repackage cheeses must display on the new container or package the net quantity of the repackaged portion in grams or kilograms as well as the information appearing on the original container or package, the retailer's or restaurateur's name and address, the repackaging date and the words "best before" followed by a date.

Despite the first paragraph, retailers or restaurateurs that display a "best before" date that is different from the date displayed on the original container or package may display a date that is earlier than the date on the original container or package. If the "best before" date on the original container or package serves as the lot number, that date must be displayed on the new package, preceded by the words "lot number".

11.12.4. Milk offered for sale directly to consumers must be placed on sale or served only in the original container filled at the plant or from that container.

Despite the preceding paragraph, milk and cream added to beverages or cereals in a restaurant with table or counter service may be offered in a serving container other than the original container provided

(1) the serving container is filled from the original container immediately before serving; and

(2) the unused portion is discarded at the end of the meal.

11.12.5. Materials and equipment that come into contact with dairy products or dairy product substitutes must be washed, sanitized or disinfected once a day or whenever they become contaminated.

11.12.6. Despite section 2.2.3.3, the sanitizers in the Reference Listing referred to in that section are authorized.

The sanitizers must be stored as recommended by the manufacturer in a closed compartment or in a space used exclusively for that purpose. The product containers must be marked to identify their contents.

11.12.7. Section 11.9.13 applies to all advertising of dairy product substitutes by a retailer and as to the indication required on the menu or, if there is no menu, on the sign or label, as provided in section 7.6 of the Act.

11.12.8. Dairy products and dairy product substitutes listed in Schedule 11.E or Schedule 11.F kept by a retailer or restaurateur must be free of pathogenic bacteria and microbial toxins and must meet the microbiological standards set out in those schedules.

A dairy product or dairy product substitute meets a microbiologicial standard set out in the schedules if a sample taken from the product shows that it does not exceed the limit of colony-forming units of each identified micro-organism set for the product.

SCHEDULE 11.A
(Chapter 11, s. 11.3.2)

STANDARDS FOR RAW MILK AND RAW CREAM

Test	Standard
Staphylococcus aureus [1]	Milk: maximum 2,000 cfu[2]/ml
Mesophylic aerobic bacteria	Milk: maximum 50,000 cfu/ml and maximum 7,000 cfu/ml after laboratory pasteurization Cream: maximum 300,000 cfu/ml and maximum 15,000 cfu/ml after laboratory pasteurization
Somatic cells	Cow's milk: maximum 500,000 somatic cells/ml Goat's milk: maximum 1,500,000 somatic cells/ml Sheep's milk: maximum 750,000 somatic cells/ml
Inhibitor residues	Negative
Cryoscopy	Cow's milk freezing point: maximum -0.507°C (-0.525 degrees Hortvet) Goat's milk freezing point: maximum -0.545°C (-0.564 degrees Hortvet)

[1] For milk used in the preparation of cheeses with a ripening period at 2ºC or higher that is shorter than the minimum 60-day period referred to in paragraph 2 of section 11.7.4.

[2] Colony-forming units

SCHEDULE 11.B
(Chapter 11, s. 11.7.1)

PASTEURIZATION STANDARDS

Dairy product	Type of pasteurization	Minimum time	Minimum temperature
Dairy product containing less than 10% milk fat	Low temperature slow	30 minutes	63°C
Dairy product containing less than 10% milk fat	High-temperature short-time	15 seconds	72°C
Dairy product containing not less than 10% milk fat or to which a sweetener has been added	Low temperature slow	30 minutes	66°C
Dairy product containing not less than 10% milk fat or to which a sweetener has been added	High-temperature short-time	15 seconds	75°C
Frozen dairy product mixes and eggnog	Low temperature slow	30 minutes	69°C
Frozen dairy product mixes and eggnog	High-temperature short-time	25 seconds 15 seconds	80°C 83°C

SCHEDULE 11.C
(Chapter 11, s. 11.8.11)

MICROBIOLOGICAL STANDARDS FOR DAIRY PRODUCTS IN PLANTS, WAREHOUSES OR DISTRIBUTION VEHICLES

Dairy product	Micro-organisms	n	c	m	M
Pasteurized milk cheese	Staphylococcus aureus *Escherichia coli*	5 5	2 1	100 100	10,000 1,000
Cheese referred to in section 11.7.4 [1]	*Staphylococcus aureus* *Escherichia coli*	5 5	2 2	1,000 500	10,000 1,000
Unripened lactic curd cheese with a minimum moisture content of 50%	*Staphylococcus aureus* Coliform bacteria	5 5	2 2	10 10	100 100
Fermented dairy products	Coliform bacteria	5	2	10	100
Milk, cream and other unfermented dairy products and mixes used to prepare frozen dairy products	Mesophilic aerobic bacteria Coliform bacteria	5 5	2 2	10,000 1	25,000 10

Dairy product	Micro-organisms	n	c	m	M
Frozen dairy products	Mesophilic aerobic bacteria[2] Coliform bacteria	5 5	2 2	10,000 10	50,000 100
Unfermented butter	Mesophilic aerobic bacteria Coliform bacteria	5 5	2 2	10,000 10	50,000 100
Milk powders and other powdered dairy products	Mesophilic aerobic bacteria Coliform bacteria	5 5	2 2	10,000 10	50,000 100

[1] Does not apply during the ripening period in the two instances referred to in section 11.7.4.

[2] Does not apply to frozen fermented dairy products.

n=number of sample units to be examined per lot

c=maximum number of sample units per lot that may have a bacterial concentration higher than the "m" limit without exceeding the "M" limit

m=lower limit expressed in colony-forming units per gram or per millilitre according to the form in which the product is presented

M=upper limit which must not be exceeded in any sample examined per lot, expressed in colony-forming units per gram or per millilitre, according to the form in which the product is presented

SCHEDULE 11.D
(Chapter 11, s. 11.9.6)

MICROBIOLOGICAL STANDARDS FOR DAIRY PRODUCT SUBSTITUTES IN PLANTS, WAREHOUSES OR DISTRIBUTION VEHICLES

Dairy product substitute	Micro-organisms	n	c	m	M
Margarine	Mesophilic aerobic bacteria Coliform bacteria	5 5	2 2	10,000 10	50,000 100
Coffee whitener	Mesophilic aerobic bacteria Coliform bacteria	5 5	2 2	10,000 10	50,000 100
Dessert toppings and Mixes used to prepared frozen desserts	Mesophilic aerobic bacteria Coliform bacteria	5 5	2 2	10,000 1	25,000 10
Frozen desserts	Mesophilic aerobic bacteria Coliform bacteria	5 5	2 2	10,000 10	50,000 100

n=number of sample units to be examined per lot

c=maximum number of sample units per lot that may have a bacterial concentration higher than the "m" limit without exceeding the "M" limit

m=lower limit expressed in colony-forming units per gram or per millilitre according to the form in which the product is presented

M=upper limit which must not be exceeded in any sample examined per lot, expressed in colony-forming units per gram or per millilitre, according to the form in which the product is presented

SCHEDULE 11.E
(Chapter 11, s. 11.12.8)

DAIRY PRODUCT MICROBIOLOGICAL STANDARDS FOR RETAIL SALE AND RESTAURANT TRADE

Dairy product	Micro-organisms	Count (per g or ml)
Pasteurized cheese products	*Staphylococcus aureus* *Escherichia coli*	10,000 1,000
Cheeses referred to in section 11.7.4	*Staphylococcus aureus* *Escherichia coli*	10,000 1,000
Unripened lactic curd cheese with a minimum moisture content of 50%	*Staphylococcus aureus* Coliform bacteria	100 100
Fermented dairy products	Coliform bacteria	100
Milk, cream and other unfermented dairy products and mixes used to prepare frozen dairy products	Mesophilic aerobic bacteria Coliform bacteria	25,000 10
Frozen dairy products	Mesophilic aerobic bacteria[1] Coliform bacteria	50,000 100
Unfermented butter	Mesophilic aerobic bacteria Coliform bacteria	50,000 100
Milk powders and other powdered dairy products	Mesophilic aerobic bacteria Coliform bacteria	50,000 100

[1] Does not apply to frozen fermented dairy products

SCHEDULE 11.F
(Chapter 11, s. 11.12.8)

DAIRY PRODUCT SUBSTITUTES
MICROBIOLOGICAL STANDARDS
FOR RETAIL SALE AND RESTAURANT TRADE

Dairy product substitute	Micro-organisms	Count (per g or ml)
Margarine	Mesophilic aerobic bacteria Coliform bacteria	50,000 100
Coffee whitener	Mesophilic aerobic bacteria Coliform bacteria	50,000 100
Dessert toppings and Mixes used to prepare frozen desserts	Mesophilic aerobic bacteria Coliform bacteria	25,000 10
Frozen desserts	Mesophilic aerobic bacteria Coliform bacteria	50,000 100

".

16. A dairy producer that, on (*insert the date preceding the date of coming into force of this Regulation*), houses goats or sheep in a dairy barn with a dirt floor has five years after that date to bring the barn into conformity with the standards set out in subparagraph *a* of paragraph 1 of section 11.2.4.

17. A dairy producer that, on (*insert the date preceding the date of coming into force of this Regulation*), has a milk house whose wastewater disposal system does not meet the standards set out in subparagraph *c* of paragraph 1 of section 11.2.5 has five years after that date to meet those standards.

18. An operator that, on (*insert the date preceding the date of coming into force of this Regulation*), prepares a dairy product whose main ingredient is a milk constituent or derivative is deemed to hold a valid dairy plant operating permit issued under section 10 of the Act until the permit is renewed after the operator has applied for renewal and paid the required fees or until expiry of the ninetieth day after (*insert the date preceding the date of coming into force of this Regulation*) if the application is not received by the Minister and the fees paid before that date.

19. This Regulation replaces

(1) the Regulation respecting the composition, packing and labelling of dairy products (R.R.Q., 1981, c. P-30, r.2);

(2) the Regulation respecting distributors of milk, modified milk and cream (R.R.Q., 1981, c. P-30, r.3);

(3) the Regulation respecting microbiological standards for dairy products (R.R.Q., 1981, c. P-30, r.5);

(4) the Regulation respecting the pasteurization of dairy products (R.R.Q., 1981, c. P-30, r.8);

(5) the Regulation respecting testers' permits (R.R.Q., 1981, c. P-30, r.9);

(6) the Regulation respecting dairy products substitutes (R.R.Q., 1981, c. P-30, r.15);

(7) the Regulation respecting the transportation of milk and cream from producers (R.R.Q., 1981, c. P-30, r.17);

(8) the Regulation respecting the quality of dairy products, made by Order in Council 183-88 dated 10 February 1988; and

(9) the Regulation respecting operating permits for dairies, made by Order in Council 463-91 dated 10 April 1991.

20. Despite the first paragraph of section 1.3.6.8 of the Regulation respecting food, the fees payable under the Regulation will be indexed as of 1 April 2008 in the manner provided in that section.

21. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*, except paragraph 3 of section 11.8.15 enacted by section 15, to the extent that it provides for the packaging of certain fluid dairy products in 1.5 litre containers, which comes into force (*insert the date occurring 180 days after the date of coming into force of this Regulation*).

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified