

Chicken Farmers of Ontario
Regulation
No. 2070-2005

Made under: The Farm Products Marketing Act

Effective May 28, 2006
Commencing with Quota Period A-72
(May 28, 2006 to July 22, 2006)

Words & Meanings

In all regulations, policies, orders, directions or decisions made by the Board from time to time, unless otherwise provided by the Board, all words used shall have the following meanings:

1. “*additional crop quota*” means a quota for the production and marketing during a crop quota period of a specified number of kilograms of chicken fixed and allotted by the Board derived from the basic quota;
2. “*additional supply*” means that portion of a processor’s supply obtained for a crop quota period through Form 101 agreements from the open sign up pool in an amount in excess of its primary supply;
3. “*administrator*” means the person or persons appointed by the Board as an officer of the Board and for the purpose of receiving total requests and administering the supply system to processors;
4. “*allottee*” means a person, firm or corporation to whom the Board has, in respect of registered premises, fixed and allotted quota;
5. “*approved scale*” means a weigh scale that a processor has designated and which has been approved by the Board;
6. “*authorized signature*” means the signature of a person or persons employed by a processor with authority to enter into a binding commitment, contract or obligation on behalf of the processor and upon whose authority the Board or the Administrator can rely without further inquiry or proof of such authority being required;
7. “*authorized volume of production*” means the amount of chicken allocated to Ontario by Chicken Farmers of Canada in accordance with Schedule “B” of the Federal/Provincial Agreement for a crop quota period;
8. “*authorized volume of domestic production*” means the authorized volume of production for a crop quota period less any allocation by Chicken Farmers of Canada to Ontario for production pursuant to Chicken Farmers of Ontario Market Development Policy No. 157-2002 as amended or any successor thereto;

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9. “*available Ontario supply*” means the lesser of:
- i. The amount of kilograms available to processors for a crop quota period after the authorized volume of domestic production is reduced by the amount of the dedicated kilograms in that period;
- or
- ii. The amount of kilograms available to processors for a crop quota period after multiplying the authorized volume of domestic production by the Ontario processor share then subtracting the special purpose and self-marketing kilograms;
10. “*basic quota*” means a share measured in units for the production and marketing of chicken fixed and allotted by the Board in respect of a specific registered premises;
11. “*Board*” means Chicken Farmers of Ontario;
12. “*books and records*” includes, but is not limited to, all documentation, whether in printed or electronic format, in the possession, care or control of any person, relating to the production or marketing of chicken and includes settlements, cheques, bills of lading, weigh tickets, invoices and order forms for chick or feed purchases, chicken mortality records, flock analyses, condemnation certificates, invoices for veterinary services, veterinary reports, ledgers and books of account;
13. “*building*” means a structure used for the production of chicken that has been approved by the Board for such purpose;
14. “*calculated base*” means the amount of kilograms that results from the calculation of a processor’s average Ontario allocation from Quota Period A-63 to Quota Period A-69 inclusive subject to any adjustments by the Board that result from the application of Regulation No. 1887-2003 during Quota Period A-52 to Quota Period A-71 inclusive;
15. “*category*” means a specific weight range of chickens;
16. “*CFC*” means Chicken Farmers of Canada;
17. “*CFIA*” means Canadian Food Inspection Agency;
18. “*chick*” means a chicken that is less than seven days of age and, where the chicken is a capon, less than four weeks of age;
19. “*chicken*” means a chicken or any class or part thereof produced from the egg of a domestic hen;
20. “*cockere!*” means a male chicken;
21. “*crop cycle*” means a period of time measured in days for which the Board may fix and allot a crop quota to a producer;
22. “*crop quota*” means an allotment expressed in kilograms for the production and marketing of chicken fixed and allotted by the Board in respect of a crop quota period and in respect of a specific registered premises;
23. “*crop quota period*” means a period of time measured in days;

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24. “*custom processing*” means processing for the purpose of returning the chicken to the person who produced it for consumption by that person and family members of that person who reside on the premises at which the chicken were produced;
 25. “*dealer-broker*” means a person who is licensed as such by The Ontario Broiler Hatching Egg & Chick Commission;
 26. “*dedicated kilograms*” means the sum of the amount of kilograms signed on Form 101 agreements with out-of-province processors, the amount of special purpose kilograms and the amount of self-marketed kilograms;
 27. “*deemed new entrant*” means a processor that has a calculated base of less than 300,000 kilograms and has applied to become a deemed new entrant whose application has been approved by the Board;
 28. “*established live price*” means the minimum base price for chicken determined in accordance with Regulation No. 402 for a specific crop quota period;
 29. “*fixed term Form 101*” means a Form 101 made for a specific duration of six crop quota periods;
 30. “*Form 101*” means an agreement for the production and marketing of chicken made between a producer and a processor on the form prescribed by the Board that is complete in all respects, that has the signature of the producer and the recognized stamp of the processor and is filed with the Board in accordance with the filing date specified on the Form 101;
 31. “*Form 121*” means an agreement between two processors on the form prescribed by the Board assigning a Form 101;
 32. “*general consensus*” means an agreement by the industry stakeholders present at a meeting;
 33. “*gross weight*” means the tare weight plus the weight of the chicken transported on that vehicle;
 34. “*growth*” means the difference between the current authorized volume of domestic production and the authorized volume of domestic production during the same weeks of the previous year;
 35. “*HACCP*” means a program or process, which incorporates the principles of hazard analysis critical control point;
 36. “*hatchery*” means a facility licensed as such by the Ontario Broiler Hatching Egg and Chick Commission;
 37. “*historical Ontario supply*” means:
 - i. For Quota Period A-72 to Quota Period A-77 inclusive: the average of a processor’s old Ontario supply from the previous 6th and 7th Quota Periods prior to the Quota Period in question;
 - ii. Commencing with Quota Period A-78: the average of a processor’s Ontario supply from the previous 6th and 7th Quota Periods prior to the Quota Period in question;

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38. “*home week*” means the week(s) designated on a Form 101 for the marketing of a crop quota;
 39. “*industry stakeholders*” may include the Board, the Association of Ontario Chicken Processors, the Ontario Independent Poultry Processors, the Further Poultry Processors Association of Ontario, the Canadian Restaurant and Food Services Association, the Canadian Council of Grocery Distributors;
 40. “*letter of credit*” means an instrument in writing validly issued by a recognized Canadian financial institution at the request of a processor and in favour of the Board as beneficiary, showing on its face a fixed amount in Canadian funds and providing that such funds will be paid to the Board upon receipt of its demand and certificate and includes a letter of guarantee, surety bond or performance bond;
 41. “*load*” means the quantity of chicken marketed under a specific Form 6;
 42. “*market development cap*” means the maximum amount of chicken for market development which may be allocated to Ontario by Chicken Farmers of Canada;
 43. “*market development crop quota*” means that portion of a crop quota fixed and allotted in accordance with Chicken Farmers of Ontario Market Development Policy;
 44. “*market development request*” means a request by a processor for a supply of chicken for a crop quota period to be marketed in accordance with Chicken Farmers of Ontario Market Development Policy;
 45. “*market development supply*” means that portion of a processor’s supply to be marketed pursuant to Chicken Farmers of Ontario Market Development Policy;
 46. “*marketed kilograms*” means the paid weight of chicken produced in Ontario that is processed, in a crop quota period;
 47. “*marketing*” includes advertising, assembling, buying, financing, offering for sale, packing, processing, selling, shipping, storing, transporting and weighing, and “*market*” and “*marketed*” have corresponding meanings;
 48. “*marketing week*” means the week prior to the home week, the home week, or the week following the home week;
 49. “*meeting*” includes a meeting conducted by telephone conference or other medium agreeable to industry stakeholders;
 50. “*minimum contracting requirement*” means the minimum number of kilograms a processor is required to sign on a Form 101 for a crop quota period to receive the benefit of Section 7.14 of General Regulation No. 2071-2005;
 51. “*mixed chicks*” means chicks that have not been separated by gender;
 52. “*net weight*” means the gross weight less the tare weight;
 53. “*new entrant*” means a person making application to the Board for the purpose of carrying on business as a processor whose application has been approved by the Board;

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54. “*new entrant processor*” means a processor operating for its first seven crop quota periods and does not have a calculated base;
 55. “*new produce*” means an allottee of basic quota who, prior to the date on which the Board fixed and allotted basic quota to the producer, was not the allottee of basic quota;
 56. “*non-registered floor area*” means that portion of a producer’s registered premises, approved for the production of chicken by the Board, which is in excess of 0.65 of a square foot per basic quota unit but does not include floor area in any building in respect of which:
 - i. The Ontario Turkey Producers’ Marketing Board has fixed and allotted quota;
 - ii. Ontario Egg Producers has fixed and allotted quota or has issued a licence for the producing of eggs or of chicks-for-placement;
 - iii. The Ontario Broiler Hatching Egg & Chick Commission has fixed and allotted quota;
 57. “*old Ontario supply*” means that portion of a processor’s supply in the previous processor supply system which occurred from Quota Period A-52 to Quota Period A-71 inclusive that was marketed domestically and excludes a market development supply;
 58. “*ongoing rollover Form 101*” means a Form 101 that remains in effect until it is cancelled via a Form 201 or amended via a revised Form 101 filed by the appropriate deadline date;
 59. “*Ontario processor share*” means a percentage number derived from the average authorized volume of domestic production for Quota Periods A-63 to A-69 minus 4 million kilograms measured as a percentage of the average authorized volume of domestic production for Quota Periods A-63 to A-69 which equals 93.75%;
 60. “*Ontario request*” means a request for a supply of chicken for a crop quota period to be marketed domestically by a processor and excludes a market development request, with such request having no direct impact on the supply allocated to the processor;
 61. “*Ontario supply*” means the sum of a processor’s primary supply and additional supply;
 62. “*open sign-up pool*” means an amount of additional supply available to processors on a periodic basis through Form 101 agreements;
 63. “*out-of-province processor*” means a processor with its processing facility located in a province other than Ontario;
 64. “*out-of-province processor kilograms*” means an estimated quantity of chicken derived from the sum of basic quota units signed on a Form 101 for a crop quota period until such time that Chicken Farmers of Canada determines the authorized volume of production which converts the estimated quantity to a specific amount of kilograms;
 65. “*owner*” means the beneficial owner of the registered premises;
 66. “*paid weight*” means the weight of a load of chicken after the deduction of the weight of the chicken condemned in accordance with the Board’s Regulations in that regard;
 67. “*periodic base*” means the result of the calculation of each processor’s percentage share multiplied by the available Ontario supply for a crop quota period;

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68. “*percentage share*” means the result of the calculation of a processor’s calculated base expressed as a percentage of the sum of all processors’ calculated bases;
 69. “*person*” includes an individual, sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, or natural person in his or her capacity as trustee, executor, administrator or other legal representative;
 70. “*premises*” means the lands and buildings appurtenant thereto;
 71. “*primary supply*” means the minimum number of kilograms that a processor is assured through Form 101 agreements for a crop quota period in accordance with “Schedule D” of Supplemental Quota Policy 1XX-2005 which include a processor’s market development supply;
 72. “*processing*” means the slaughtering of chicken, and process and processed have corresponding meanings;
 73. “*processor*” means a person who slaughters chicken and is licensed by the Board;
 74. “*producer*” means a person engaged in the production of chicken to whom the Board has fixed and allotted quota, which quota has not been cancelled;
 75. “*producing*” means having the care, control or possession of chicken and “produced”, “produce” and “production” have corresponding meanings;
 76. “*provincial allotment*” means the amount of kilograms of chicken to be fixed and allotted to all producers by the Board for a specific crop quota period not including kilograms allotted for market development requests;
 77. “*pullet*” means a female chicken;
 78. “*quota*” means a basic quota or a crop quota and constitutes a licence for the producing of chicken and a licence for the marketing of chicken fixed and allotted by the Board;
 79. “*registered premises*” means the lands and buildings appurtenant thereto in respect of which the Board has fixed and allotted quota;
 80. “*related*” means being the spouse, child or relative of the processor if the processor is an individual, or an employee or partner of the processor, or being the beneficial owner of any of the shares of the processor, or being the spouse, child or relative of any person who is the beneficial owner of any of the shares of the processor;
 81. “*sale*” means the transfer for consideration of the control of or the beneficial ownership of all or substantially all of the assets or undertaking of a processor, new entrant or deemed new entrant, and “sold” and “to sell” shall have corresponding meanings;
 82. “*schedule 1*” means a document specifying the amount of the crop quota fixed and allotted to a producer in respect of the producer’s registered premises for a crop quota period by regulation of the Board;
 83. “*self-marketing kilograms*” means kilograms produced and marketed by producers pursuant to Self-Marketing Policy No. 166-2005 or Board exemptions previously granted as per Schedule E in Supplemental Quota Policy No. 171-2005;

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84. “*sign-up ceiling*” means the maximum amount of kilograms a processor may obtain through Form 101 agreements for a crop quota period;
 85. “*sign-up window*” means a period of time determined by the Board during which producers and processors may enter into agreements on Form 101;
 86. “*special purpose kilograms*” means an amount of kilograms as determined by the Board for production and marketing in a crop quota period, to be comprised of research kilograms and other kilograms determined by the Board pursuant to approvals and exemptions previously granted as per Schedule E in Supplemental Quota Policy No. 171-2005;
 87. “*supply*” means the total quantity of chicken authorized by crop quotas to be marketed by producers through the Board to a specific processor and is equal to the sum of a processor’s primary supply and additional supply;
 88. “*supply system*” means the allocation of supply to processors and the requirement to process it;
 89. “*tare weight*” means the weight of the vehicle and crates used to transport the chicken;
 90. “*total additional*” means the sum of all additional crop quotas fixed and allotted to all producers in a crop quota period;
 91. “*total basic*” means the sum measured in kilograms of all basic quota fixed and allotted to all producers in a crop quota period;
 92. “*total request*” means the sum of a processor’s Ontario request and market development request;
 93. “*transfer of title*” means a deed, a final order of foreclosure, an order or notice in expropriation proceedings, any document by which the interest of a deceased owner of a registered premises is effectively transferred to a person entitled thereto upon the death of the owner or any other document by which the beneficial ownership of the registered premises is changed;
 94. “*transferee*” means a person who files an application to be fixed and allotted basic quota;
 95. “*transferor*” means a producer who files an application to transfer basic quota;
 96. “*transporter*” means a person engaged in the delivery of chicken who is licenced by the Board and “transport”, “transporting”, “transported”, and “transportation” have corresponding meanings;

Revocation

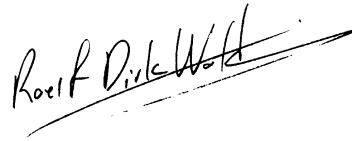
Regulation No.1861-2003 made by the Board on November 20, 2002, is hereby revoked as of the effective date of this Regulation No. 2070-2005.

BY ORDER OF Chicken Farmers of Ontario

DATED at Burlington, Ontario this 29th day of December, 2005.



Chairman



Secretary