

The Quebec Law Allowing the Sale of Raw Cheese Aged Less than 60 Days (Despite a Federal Ban)

The Federal Food and Drug Regulations ban the sales of raw cheese which has been aged less than 60 days. Despite the Federal law, Quebec legalized the sale of this product in 2008.

Source: *Food Products Act, Regulation respecting food*, CQLR c P-29, r 1
<https://www.canlii.org/en/qc/laws/regu/cqlr-c-p-29-r-1/latest/cqlr-c-p-29-r-1.html>

CHAPTER 1 — GENERAL PROVISIONS [1.1.1 - 1.5.2] DIVISION 1.3 — PERMIT [1.3.1.1 - 1.3.7.4]

§ 1.3.5.F. — Dairy plant operating permits

O.C. 741-2008, s. 6.

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 1 million litres of milk or more in the course of a year;
- (2) Category 2 permit, which authorizes the holder to receive fewer than 1 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 exclusively.

O.C. 741-2008, s. 6.

CHAPTER 11 DAIRY PRODUCTS AND DAIRY PRODUCT SUBSTITUTES O.C. 741-2008, s. 15.

DIVISION 11.6 SPECIAL PROVISIONS APPLYING TO THE PREPARATION OF CERTAIN RAW MILK OR UNPASTEURIZED CHEESES O.C. 741-2008, s. 15.

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.

O.C. 741-2008, s. 15.

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 \(chapter Q-2, r. 40\)](#), 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 \(chapter Q-2\)](#) 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-ml 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 3 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 3 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 2 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.

O.C. 741-2008, s. 15.

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.

O.C. 741-2008, s. 15.

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.

O.C. 741-2008, s. 15.

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 \(chapter Q-2, r. 40\)](#), 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 \(chapter Q-2\)](#) 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-ml water sample; and
- (3) have their milking equipment tested and calibrated yearly by the manufacturer or by a distributor that installs milking equipment.

O.C. 741-2008, s. 15.

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.

O.C. 741-2008, s. 15.