

PROPOSED NEW REGULATION

MILK INDUSTRY ACT
ARTISAN DAIRY HERDSHARES REGULATION (DRAFT)

Contents

1. Definitions
2. Application of regulation
3. Herdshare agreements
4. Ownership of products from livestock
5. Certification of herdshare farms
6. Food safety
7. Bacterial testing standards
8. Product recall and outbreak response

Definitions

1 In this regulation

“Act” means the [Milk Industry Act](#);

“agister” means a person hired by livestock owners to perform services related to the care and management of their animals;

“agistment” refers to the care of livestock on behalf of the owners of those animals;

“agistment agreement” refers to a written contractual relationship between a livestock owner and an agister;

“herdshare” refers to an arrangement involving fractional ownership of livestock by multiple owners and includes cowshares, goatshares, and sheepshares.

“inspector” means any inspector under the Act;

“livestock owner group” and “livestock owners” mean the members of a herdshare, collectively.

Application of regulation

2 (1) This regulation applies to all herdshares within the Province of British Columbia.

(2) This regulation does not apply to livestock kept for the personal and family use of farm occupants or employees.

(3) Farms certified under this Regulation are exempted from the [Milk Industry Standards Regulation](#).

Herdshare agreements

3 (1) Herdshare agreements must include evidence of legally valid and enforceable transfer of title, providing the purchaser with fractional ownership in an individual animal or in the herd.

(2) Livestock owners may organize as a cooperative, society, partnership, trust, or similar structure for purposes such as joint ownership of livestock and decision-making.

(3) Documentation provided to prospective livestock purchasers shall include:

- (a) bill of sale;
- (b) agistment agreement;
- (c) current inventory of livestock and estimated total replacement value; and
- (d) maximum number of fractional ownership units that products will be divided between.

Ownership of products from livestock

4 (1) Livestock owners are entitled to the products which are produced by their livestock, including meat, dairy, hides, wool, and related products and to make decisions regarding distribution of these products among members or as partial payment to the agister for his or her services.

(2) Products produced by the herd are the property of the livestock owners and are not being purchased or sold.

(3) Livestock owners may contract for delivery and processing services.

Certification of herdshare farms

5 (1) In accordance with section 4 of the Act, upon proof of compliance with this regulation an inspector may issue a certificate setting out that the farm is approved for the purpose of providing agistment services to a livestock owner group.

(2) Certification requirements shall include:

- (a) successful completion of the Raw Milk Institute's Risk Analysis and Management Planning (RAMP) on-farm food safety training program or equivalent program;
- (b) successful completion of FOODSAFE Level 1 or its equivalent; and
- (c) three consecutive milk sample test results that meet the standards detailed in section 7.

(3) The application for certification shall include:

- (a) name, mailing address, phone number, and email address of the agister;
- (b) physical address of the farm where the herd is currently located;
- (c) current livestock type and number of animals being milked;
- (d) certificate or equivalent showing that the agister has successfully completed an on-farm food safety training program specific to the production of raw milk for direct consumption as per section 5(2)(a);
- (e) on-farm food safety plans including a risk analysis and management plan (RAMP) and standard sanitary operating procedures (SSOP) as per section 6(1);
- (f) foodborne disease outbreak response plan as per section 8(1); and
- (g) test results or veterinarian's letter confirming that the herd is free of *Tuberculosis* and *Brucellosis*.

Food safety

6 (1) Each registered herdshare shall have on-farm food safety plans which include standard sanitary operating procedures (SSOP) and a risk analysis and management plan (RAMP).

(2) Milk must be cooled as follows

(a) if raw milk is placed into jars or into a milk cooling tank, the milk must be cooled to

- (i) 10°C or less within one hour of commencing milking, and
- (ii) above 0°C and below 4°C within 2 hours of completing milking;

(b) if raw milk is placed into a milk cooling tank that contains milk from a previous milking, the temperature of the combined milk must be

- (i) 10°C or less at the time the raw milk is combined, and
- (ii) reduced to above 0°C and below 4°C within one hour of completing milking.

(3) After milk is cooled in accordance with section 2, the milk must be maintained at a temperature above 0°C and below 4°C until picked up by livestock owners.

(4) A herdshare must ensure that livestock owners are aware of food safety procedures for consumer transport, storage, and handling of products.

Bacterial testing standards

7 (1) Milk for direct consumption shall be tested a minimum of once per month at a government-approved laboratory.

(2) Tests shall include total coliforms, standard plate count, *Salmonella* spp., *E. coli* O157:H7, *Campylobacter* spp., and *Listeria monocytogenes*.

(3) Milk must meet the following microbiological standards:

- (a) Standard plate count: <10,000 cfu per ml
- (b) Total coliforms: < 10 cfu per ml

(4) Somatic cell count shall not exceed:

- (a) for milk from cows and water buffalo: < 400,000 per ml
- (b) for milk from goats and sheep: < 1,500,000 per ml

(5) Test results shall be provided to livestock owners.

(6) The Ministry may set standards regarding data collection procedures and public reporting of test results.

(7) A boil-milk notice will be issued when a milk sample tests positive for pathogens and will remain in effect until the milk tests negative and the agister has identified and successfully addressed the cause of contamination.

Product recall and outbreak response

8 (1) Herdshares shall create response plans detailing procedures for alerting livestock owners about product recalls and boil-milk notices.

(2) A foodborne disease outbreak which has been reported under section 10 of the [Public Health Act](#) falls under the jurisdiction of that Act.