

THE BRITISH COLUMBIA TURKEY MARKETING BOARD pursuant to
THE NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
And the BRITISH COLUMBIA TURKEY MARKETING SCHEME (The Scheme)

GENERAL ORDER & REGULATIONS

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DIVISION I – PURPOSE AND INTERPRETATION

1. This order replaces the former General Order 2014 of the British Columbia Turkey Marketing Board (the “Board”). To the extent of any inconsistency between this order and any other order, direction or policy of the Board, this order shall prevail.
2. This order shall be known as the “BCTMB General Order 2016” and cannot overrule any of the provisions within the Act, or any of the provisions within the Scheme and shall come into force on the 30th day of April 2016.

PURPOSE OF ORDERS

3. The Board has approved this General Order for the purpose of promoting, controlling and regulating the production, transportation, processing, packing, storage and marketing of turkey raised within the Province of British Columbia, for meat or egg production including the regulation of inter-provincial and export trade.

INTERPRETATION

4. In this and all other Orders and Policies of the Board, unless the context requires otherwise, the definitions contained in the above named enactments will have effect together with the following additional definitions:

“**Act**” means the Natural Products Marketing (B.C.) Act, R.S.B.C. 1996, c.330;

“**agency**” means a person designated by the Board as being a person through which any of the regulated product shall be processed, packed, stored or marketed;

“**allocation**” means the number of kilograms of turkey meat that the Board authorizes a grower to produce and market in inter and intra-provincial trade for a quota year or from time to time within a quota year;

“**associated growers**” means growers connected as follows:

- a) individuals are associated growers when
 - i) one is married to the other or lives with the other as if they were married;
 - ii) they are partners in a partnership; or
- b) an individual and a corporation are associated growers when
 - i) the individual controls the corporation;
 - ii) the individual and an individual who controls the corporation are associated growers;
 - iii) the individual and a corporation that controls the corporation are associated growers;
 - iv) they are partners in a partnership;
- c) corporations are associated growers when

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- i) one is controlled by the other;
- ii) another corporation controls both corporations;
- iii) an individual controls both corporations;
- iv) they are both controlled by different persons, whether individuals or corporations, that are associated growers;
- v) they are partners in a partnership;

“breeder” means any person who raises turkeys for egg production;

“breeder and/or mature turkey” means that class of regulated product which is used for egg production and is marketed at an age greater than 161 days;

“certified organic grower” means a grower who has been issued Certified Organic Quota by the Board in accordance with this order and the Quota Regulation, has been licensed by the Board as a certified organic grower, markets regulated product to licensed processors and/or turkey brokers or self-markets regulated product and may also market regulated product direct to consumers at the farm gate or at a farmer’s market;

“commercial and/or young turkey” means that class of regulated product which is marketed at an age less than 161 days;

“commercial grower” means a grower who has been issued Commercial Quota by the Board in accordance with this order and the Quota Regulation, has been licensed by the Board as a commercial grower, markets regulated product to licensed processors and/or turkey brokers or self-markets regulated product and may also market regulated product direct to consumers at the farm gate or at a farmer’s market;

“considerable margin” means production that exceeds the total of a grower’s allocation plus 5% of the grower’s allocation or up to a maximum of 25,000 kgs.

“control” with respect to quota means

- a) holding the quota directly,
- b) controlling a corporation or partnership that holds the quota, or
- c) holding an interest in a corporation or partnership which holds the quota where the interest is not sufficient to give control of the corporation or partnership, in which case the person holding the interest shall be deemed to control that part of the quota held by the corporation or partnership which is proportionate to the person’s equity in the corporation or interest in the partnership;

“controls” with respect to a corporation means

- a) holding the majority of the voting shares whether directly or indirectly by trust or otherwise; or
- b) holding (by other than a savings institution) de facto financial control as a result or partly as a result of holding a mortgage, debenture, promissory note or other form of financial investment or security, whether secured or unsecured, under which the corporation is liable;

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“direct-vendor grower” means a person who may place no more than 300 turkey poults in any one quota year and has been licensed by the Board as a direct-vendor grower. No direct-vendor grower shall market any regulated product, other than at the farm gate, at a farmer’s market, through an independent butcher shop, or through an independent restaurant, to any person who is not the end consumer of the regulated product. Direct-vendor growers may not market to any other grower, wholesaler, broker, processor, turkey broker, retail grocery chain or commercial foodservice chain.

“exporter” means an agency involved in the export of regulated product from British Columbia to outside the country of Canada;

“family” means spouse, child, or child’s spouse;

“flock” means a group of turkeys, the poults for which were placed in a turkey production unit at one time, or so close together in time that they would normally be marketed at one time;

“grower” means any person operating a farm, or farms, for the production of turkeys in the area to which the Scheme relates, and includes any person operating under lease or agreement the terms of which provide that the returns for the flock are payable to the person operating the farm;

“hatchery” means any person who hatches turkey eggs and offers poults for sale;

“lessee” means a grower to whom quota is leased;

“lessor” means a grower from whom quota is leased;

“license holder” means a person who is licensed by the Board under this Order;

“live haul trucker” means a person who hauls live turkeys for remuneration;

“lot” means a group of turkeys from the same flock, shipped to a processor for slaughter on the same day and may consist of more than one truck/trailer load;

“maximum allowable quota” means a quota holding, excluding Export Regrow Quota, of 5% of the total quota on issue to growers in British Columbia at any time;

“national agency” means the Turkey Farmers of Canada (TFC) established by the Turkey Farmers of Canada Proclamation issued pursuant to the Farm Products Marketing Agencies Act (Canada);

“new entry grower” means a grower who has been issued Quota by the Board in accordance with this Order and the Quota Regulation, has been licensed by the Board, markets regulated product to licensed processors and/or turkey brokers or self-markets regulated product and may also market regulated product direct to consumers at the farm gate or at a farmer’s market;

“partnership” means two or more persons who are joined in a venture who share the risks and profits of the venture and is not a person, but an association of persons;

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“poult broker” means any person who offers poults for sale, is not a licensed hatchery and has been licensed by the Board;

“processor” means any person who changes the nature of the regulated product by mechanical means or otherwise, including slaughters of the regulated product and is certified as a government inspected slaughter house or abattoir. A processor may market, offer for sale, supply, store or transport the processed product, and/or offer the service of custom killing the regulated product;

“quota” means an amount of production, issued from time to time by the Board, authorizing a licensed grower to produce and market within a defined time period. All quota remains at all times the property of the Board;

“quota year” means a 52 or 53 week period commencing with the Sunday following the last Saturday in April of one year and ending with the last Saturday of April in the following year;

“recorded grower” means a grower who is licensed by the Board as a grower and who is not entitled to have his or her name entered into the Register of Growers in accordance with Division 2 of this Order;

“record of growers” means the record kept by the Board of all growers whose names and addresses have been recorded in accordance with the orders of the Board;

“registered grower” means a grower who is licensed by the Board as a grower and who is entitled to have his or her name entered in the Register of Growers in accordance with Division 2 of this Order;

“register of growers” means the record kept by the Board pursuant to Section 26 of the Scheme of all growers whose names and addresses have been registered in accordance with orders of the Board;

“regulated product” means any class of turkey raised for meat and egg production within the area to which the Scheme relates;

“scheme” means the British Columbia Turkey Marketing Scheme, B.C. Reg. 174/66, as amended;

“transferee” means a person to whom quota is transferred;

“transferor” means a person from whom quota is transferred;

“turkey broker” means any person who causes a change in the nature of the regulated product by mechanical means or otherwise, including slaughters of the regulated product at a licensed processor that is certified as a government inspected slaughter house or abattoir. A turkey broker may market, offer for sale, supply, store or transport the processed product;

“turkey production unit” means an area or building in which turkeys are grown;

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DIVISION 2 – REGISTER OF GROWERS

All growers are to be recorded, regardless of the size of their turkey production unit or type of license, in the Record of Growers. Only licensed growers issued quota will be entered into the Register of Growers.

ENTRY IN RECORD OF GROWERS

5. To be entered in the Record of Growers, a grower must:
- a) hold a current grower license issued by the Board.

REMOVAL FROM RECORD OF GROWERS

6. A grower's name may be deleted from the Record of Growers if:
- a) the grower does not hold a current grower license issued by the Board;
 - b) the grower has ceased to be engaged in the production of the regulated product; or
 - c) the grower has violated this or any other order of the Board.

ENTRY INTO THE REGISTER OF GROWERS

7. To be entitled to be a registered grower and have his or her name entered in the Register of Growers, a grower must:
- a) hold a current grower license issued by the Board; and
 - b) be issued quota in accordance with the Quota Regulation.

REMOVAL FROM THE REGISTER OF GROWERS

8. A grower's name may be deleted from the Register of Growers if:
- a) the grower does not hold a current grower license issued by the Board;
 - b) the grower has transferred all quota issued to them such that they are no longer a holder of quota issued by the Board;
 - c) the grower has ceased to be engaged in the production of the regulated product;
 - d) the grower has violated this or any other order of the Board; or
 - e) the grower has become an associated grower with another registered grower.

EXERCISE OF FRANCHISE

9. Every partnership or corporation eligible to vote under the Scheme and the rules of election shall, in writing, appoint a person to vote on its behalf and shall file with the Board a copy of such appointment.
10. In accordance with the Regulations every registered grower that is a partnership or corporation shall, in writing, appoint an individual to vote on its behalf and shall file with the Board a copy of such appointment.
11. The following persons are eligible to vote at general meetings called by the Board:
- a) each registered grower, or in the case of a partnership or corporation its appointee, who is in attendance;

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- b) each registered grower, or in the case of a partnership or corporation its appointee, who is unable to attend the general meeting who resides within the area commonly known as the Lower Mainland of British Columbia, by proxy; and
- c) each registered grower, or in the case of a partnership or corporation its appointee, who is unable to attend the general meeting and who resides outside the area commonly known as the Lower Mainland of British Columbia, by mail-in ballot or by proxy.

DIVISION 3 – LICENSING

REQUIREMENT TO HOLD LICENSE

- 13. a) No person shall act as a commercial grower, certified organic grower, new entry grower, direct vendor grower, breeder, agency, processor, turkey broker, exporter, live haul trucker, hatchery or poult broker unless in possession of a valid license issued by the Board, and no person shall be relieved of compliance with the requirements in respect of any class of license on the grounds that such person is the holder of a valid license of another class.
- b) Subsection a) above does not apply to a person who places less than 50 turkeys, for personal consumption, in a quota year.
- c) Where a valid license has been issued by the Board to a corporation, such license is subject to cancellation upon order of the Board in the event of a change in the ownership, direct or indirect, of the majority voting shares of the corporation.

APPLICATION PROCESS

- 14. Every application for license must be made to the Board in the required form with the required license fee.

GENERAL CONDITIONS

- 15. It is a condition of issuance and maintenance of every license that the applicant or holder complies with the Scheme and with the Orders and Regulations of the Board that are in force and may be amended from time to time.

SUSPENSION AND CANCELLATION OF LICENSES

- 16. Every license is subject to cancellation or suspension by the Board for a period of time if, in the opinion of the Board, the license holder has violated the Scheme or any Order or Regulation of the Board.
- 17. Any holder of a Class I license issued by the Board who violates the Scheme or any Order or Regulation of the Board may, at the Board's discretion, have his or her Class I license cancelled or suspended and may be re-issued a Class II license, as described in the Fees and Levies Regulations.
- 18. Any holder of a Class II license issued by the Board who violates the Scheme or any Order or Regulation of the Board may, at the Board's discretion, have his or her Class II license cancelled

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or suspended and may be re-issued a Class III license, as described in the Fees and Levies Regulations.

19. Before cancelling or suspending a license the Board shall notify the license holder in person, or by facsimile transmission or e-mail to appear before the Board to address the alleged violation and, where appropriate, to show cause why the license in question should not be cancelled or suspended by legal counsel or any agent. If the license holder or his or her representative does not appear before the Board at the hearing, the hearing shall proceed and the license holder shall be sent, by registered mail, a copy of the decision of the Board.
20. If the Board cancels or suspends a license the Board shall notify the license holder or the license holder's representative.
21. If the Board cancels or suspends a license, the license holder may be subject to a Board service fee, representing all or part of the expenses associated with the investigation, hearing and determination of the Board leading to the cancellation or suspension of the license.

EXPIRY OF LICENSES

22. Licenses are issued on an annual basis and shall expire on the last day of the quota year.

NO TRANSFERABILITY OF LICENSES

23. Licenses issued under this order are not transferable.

RENEWAL

24. At the commencement of a quota year, the Board shall renew every existing license provided that the required application is satisfactorily completed and received by the 15th of April preceding the start of the quota year, the required documents are filed, the appropriate license fee is paid and the licensee has maintained compliance with the Scheme and all Orders and Regulations of the Board.

FEES

25. The Board shall set, by Regulation, from time to time a schedule of fees.

AGENCIES

26. Unless the Board orders otherwise, all processors, turkey brokers, exporters, direct vendor growers, hatcheries and poult brokers who are licensed by the Board are designated as agencies through which regulated product, including poults shall be processed, packed, stored or marketed.
27. The Board shall designate, by issuing a Transport Order, a particular agency through which a particular grower shall market their regulated product.

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DIVISION 4 – LEVIES

28. All persons engaged in the production or marketing of the regulated product are required to pay levies on such regulated product to the Board within 14 days.
29. All persons engaged in the production or marketing of the regulated product are required to pay, or cause to be paid, a license fee before commencing business, or in the case of renewing a license, by the 15th of April preceding the start of a quota year.
30. The levies payable to the Board shall be as set out in the Fees and Levies Regulation from time to time and payments to the Board shall be made in accordance with that Regulation.
31. The Board shall collect on behalf of the national agency any and all levies imposed on growers by the national agency. Such levies may be included with the provincial levy in the Fees and Levies Regulation.

DIVISION 5 – BOOKS, RECORDS AND INFORMATION

32. Every person licensed by the Board and every person who otherwise engages in the production, transportation, processing, packing, storage and marketing of the regulated product, shall keep in the English language complete and accurate books, records and accounts of all matters relating to the production, transportation, processing, packing, storage and marketing of the regulated product.

All books, records and accounts required to be kept under the above shall be available for inspection by:

- a) The Board;
- b) Any officer or auditor of the Board; and
- c) Any other person as may be authorized by the Board from time to time to make an inquiry, report or corrective action request.

Every person licensed by the Board, and every person who otherwise engages in the production, transportation, processing, packing, storage and marketing of the regulated product shall, upon request, furnish to the Board, or to any officer or auditor of the Board, or to any other person as may be authorized by the Board from time to time to make any inquiry, report or corrective action request, any information or documentation relating to the production, transportation, processing, packing, storage and marketing of the regulated product.

Every person licensed by the Board and every person who otherwise engages in the production, transportation, processing, packing, storage and marketing of the regulated product, shall make specific answers to any questions submitted to that person by the Board, or by any officer or auditor of the Board, or by any other person as may be authorized by the Board from time to time to make an inquiry, report or corrective action request.

Every person licensed by the Board, and every person who otherwise engages in production, transportation, processing, packing, storage and marketing of the regulated product, shall permit the Board or any officer or auditor of the Board, or any other person as may be authorized by the

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Board from time to time to make an inquiry, report or corrective action request, to search vehicles in which the regulated product is transported, and to inspect the premises owned, occupied, or controlled by such person and used for the production, transportation, processing, packing, storage and marketing of the regulated product.

33. Every grower which is a corporation shall file with its application for license and at any other time within 10 days of receiving a written request from the Board, a copy of the corporation's register of members.
34. The Board shall conduct random searches of the records at the Registrar of Companies and should the corporation's register of members be found to be incorrect the Board may cancel the corporation's license or refuse to issue a license.

DIVISION 6 – FARM PRACTICES

35. The Board shall maintain a Farm Practices Regulation, which may be amended by the Board from time to time. All growers, be they commercial, certified organic, breeder, new entry or direct vendor, shall maintain their facilities and operate in accordance with that Regulation. A breach of the Farm Practices Regulation shall be a breach of this order.
36. A grower, with the approval of the Board, may lease a facility or a portion of a facility in accordance with the Farm Practices Regulation.

DIVISION 7 – AGENCIES

37. The Board shall maintain an Agencies Regulation, which may be amended by the Board from time to time. All agencies shall operate in accordance with the Agencies Regulation, and a breach of the Agencies Regulation shall be a breach of this order.
38. Unless the Board orders otherwise, all processors, turkey brokers, exporters, direct vendor growers, hatcheries and poult brokers who are licensed by the Board are designated as agencies through which regulated product, including poult, shall be processed, packed, stored or marketed.
39. The Board shall maintain a close and cordial relationship with the various agencies regarding farm practices, poult placements, scheduled slaughtering dates and times as well as programming and pricing.

DIVISION 8 – QUOTA SYSTEM

40. The Board shall maintain a Quota Regulation, which may be amended by the Board from time to time. All license holders shall act in accordance with the Quota Regulation. A breach of the Quota Regulation shall be a breach of this order.
41. The Board shall categorize quota as either primary quota or secondary quota in accordance with the Quota Regulation. The Board shall further categorize primary quota as commercial quota and certified organic quota. The Board shall further categorize secondary quota as multiplier breeder quota, breeder by-product quota, export regrow quota and incentive quota.

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42. Production by Direct Vendor growers shall be known as a “Direct Vendor allowance” and shall not be considered to be quota.

ISSUANCE OF QUOTA

43. The Board shall issue quota in accordance with the Quota Regulation to each licensed grower who is duly qualified for each category of quota each year. The quota shall be coupled to the legal description of the Turkey Production Unit(s) owned or leased by the grower to whom the quota is issued.
44. The Board shall allot a percentage of allocation to each licensed grower who has been issued quota for each quota year. The percentage of allocation may differ between the different types and category of quota.
45. The Board may decline to issue quota to a licensed grower who has violated the Scheme or any Order or Regulation of the Board.

QUOTA TRANSFER

46. Growers issued primary quota may transfer this quota with the written approval of the Board and in accordance with the Quota Regulation.

LEASING OF ALLOCATION

47. A registered grower may lease his or her commercial and/or certified organic allocation, or any portion thereof, with the written approval of the Board and in accordance with the Quota Regulation. Unless the Board orders otherwise, a grower may lease out his or her allocation, or any portion thereof, for a maximum of two consecutive quota years. In deciding to approve or reject an application to lease allocation the Board will consider its policy that leasing of allocation is to be a temporary or short-term arrangement.
48. Allocations to new entry growers pursuant to the New Entrant Grower Program shall not be allowed to be leased.

DIVISION 9 – PRICING

49. The Board shall maintain a Pricing Regulation, which shall be reviewed by the Board in consultation with the processors and turkey brokers and amended from time to time. All license holders shall operate in accordance with the Pricing Regulation and a breach of the Pricing Regulation shall be a breach of this Order.
50. Any person who purchases regulated product from a grower, and any grower who sells regulated product, shall do so at or above the price and on the terms set from time to time by the Board in the Pricing Regulation.
51. Before setting or amending grower prices, the Board shall invite all licensed processors and turkey brokers to meet face to face to consult and negotiate in an attempt to arrive at a mutually

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agreeable pricing adjustment. Although the Board shall make all reasonable attempts to arrive at a mutually agreeable pricing adjustment, the final authority to set the minimum price or prices at which the regulated product shall be bought or sold by or to any person shall rest solely with the Board.

DIVISION 10 – ADVISORY COMMITTEES

52. The Board shall maintain an Advisory Committee Regulation which shall be reviewed by the Board and amended from time to time.
53. The Board shall cause to be established a Specialty Markets Advisory Committee to advise the Board on, among other things, matters concerning quota policy, allocation, production and marketing as they specifically impact specialty production and marketing.
54. The Board may establish additional advisory committees to provide advice for the purpose of the Order as outlined in Division 1, Section 3.

DIVISION 11 – GENERAL PROHIBITIONS

55. No grower shall market any regulated product, placed under one allocation, under any other allocation, without the prior written consent of the Board.
56. No grower shall produce, market or store, or permit to be produced, marketed or stored any regulated product in excess of its allocation.
57. No grower shall deliver, sell, offer to deliver, or sell any regulated product other than to an agency or the order of an agency unless the grower is licensed as a Direct Vendor grower.
58. No grower shall market or offer to market any regulated product direct to consumers unless the grower is licensed as a commercial grower, a certified organic grower, a new entry grower, or a Direct Vendor grower.
59. No hatchery, poult broker or grower shall sell or otherwise supply more than 50 poult in one quota year to any person who is not licensed by the Board.
60. No hatchery, poult broker or grower shall sell or otherwise supply more than 300 poult in one quota year to any person not licensed as a Direct Vendor grower. Turkeys produced under the Direct Vendor Grower Program must be slaughtered at a government inspected facility.
61. No person shall hatch any regulated product unless licensed by the Board as a hatchery.
62. No person shall purchase for resale, or any other distribution, any regulated product unless licensed by the Board as a processor or as a turkey broker or as a hatchery or as a poult broker.
63. No grower shall market the regulated product at a price or on terms less than those established from time to time by the Board.

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64. No grower shall slaughter, or cause to be slaughtered, any regulated product at any place other than a government inspected and Board licensed processor in accordance with the Food Safety Act and its regulations.
65. No Direct Vendor grower shall market any regulated product, other than at the farm gate, at a farmer's market, through an independent butcher shop, or through an independent restaurant, to any person who is not the end consumer of the regulated product. Direct Vendor growers may not market to any other growers, wholesaler, broker, processor, turkey broker, retail grocery chain or commercial foodservice chain.
66. No agency shall buy, accept or receive regulated product other than from a commercial grower, a new entry grower or a certified organic grower licensed by the Board.
67. No person shall process any regulated product unless licensed by the Board as a processor.
68. No person shall transport regulated product unless the person is in possession of a Transport Order issued by the Board in accordance with the Farm Practices Regulation authorizing and directing the transportation of the regulated product.
69. No agency shall receive regulated product unless the agency is in possession of a Transport Order issued by the Board in accordance with the Farm Practices Regulation authorizing and directing the transportation of the regulated product.
70. No grower or processor shall purchase turkeys or resale turkeys from a Direct Vendor.

DIVISION 12 – BOARD'S DISCRETION

71. The Board, at its discretion, may exempt any person of any of the sections of this General Order and/or the companion Regulations upon an application by such person and due consideration of the matter including consultation with any other person(s) who might be affected by such an exemption.

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THE NATURAL PRODUCTS MARKETING (BC) ACT (The Act)
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2. AGENCIES REGULATION 2016

This regulation shall be known as the “Agencies Regulation” and shall come into force on the 30th day of April 2016 and may be amended from time to time.

INTERPRETATION

1. In this and all other regulations of the Board, unless the context requires otherwise, the definitions contained in the above named enactments (The Act and The Scheme) will have effect.

DESIGNATED AGENCIES

2. Unless the Board orders otherwise, all processors, turkey brokers, exporters, new entry growers, direct vendor growers, hatcheries and poult brokers who are licensed by the Board are designated as agencies through which regulated product, including poult, shall be processed, packed, stored or marketed.

BOOKS, RECORDS AND INFORMATION

3. Every agency license holder shall keep in the English language complete and accurate books and records of all matters relating to the production, processing, storing, transporting and marketing of the regulated product and shall permit the inspection of such records by any person authorized by the Board.
4. Every agency license holder or person required by these orders to hold a license shall permit any person authorized by the Board to inspect all premises occupied or controlled by such person and used for the production, processing, storing, transporting or marketing of the regulated product.
5. Every licensed agency of the Board shall report the number and weight class of turkey slaughtered during each week. Such reports are to be forwarded to the Board within the week following such slaughters and shall include:
 - a) all turkeys slaughtered including custom killed within quota or out of quota, for each grower,
 - b) the names and addresses of the growers of such regulated product,
 - c) the live price paid for each class of regulated product,
 - d) the live weight of each shipment, and
 - e) the percentage of Grade A and any other grade of turkeys.

WEIGHING REGULATED PRODUCT

6.
 - a) Every agency shall weigh each lot of regulated product at a government certified scale equipped with a clock and a printer. If the scale is not located at the plant of the processor, the turkeys shall be transported directly to the plant of the processor immediately following weighing.

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- b) Each lot of turkeys must be weighed prior to the scheduled processing time agreed to in advance by the grower and the processor.
- c) Sub-section a) and b) above shall apply to all lots of turkeys to be slaughtered including turkeys to be slaughtered as custom kill.

DEDUCTION OF LEVIES

- 7. a) Each agency shall deduct from the account of each grower who markets regulated product through the agency such fees and levies as are fixed by the Board from time to time. The monies so deducted shall be forwarded by the agency to the Board within 14 days after the receipt of the regulated product by the agency.
- b) The levies so deducted by each agency shall include levies collected on behalf of the National Agency by the Board.
- c) Each agency shall submit a copy of each settlement statement showing marketings and deductions for each shipment of the regulated product to the Board in such a manner as the Board may direct from time to time.
- d) The schedule of levies imposed by the Board from time to time shall be set out in the Fees and Levies Regulation.

PAYMENTS TO GROWERS

- 8. Each agency shall make full payment to the grower or his assignee within 14 days after the date of receipt of the regulated product from the grower.

DAMAGED PRODUCT

- 9. An agency shall not make any deduction or allowance against a grower for any condemned or damaged regulated product where the fault is that of the agency.

RECEIPT OF PRODUCT BY PROCESSORS AND/OR TURKEY BROKER AGENCIES

- 10. An agency shall not receive any regulated product from any person who is not licensed by the Board.
- 11. An agency shall not purchase any regulated product from any person who is not licensed by the Board as a Commercial or New Entry or Certified Organic Grower.
- 12. An agency shall not receive or purchase any regulated product in the name of or on account of any person that is not authorized by a transport order issued by the Board.

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2. AGENCIES REGULATION 2016

13. An agency shall not receive any regulated product placed under one grower's allocation under any other grower's allocation, without the prior written consent of the Board in the form of a re-issued transport order.

PROCESSORS AND TURKEY BROKERS AS PURCHASERS OF LIVE TURKEYS

14. An agency shall not receive regulated product from a grower other than pursuant to a contract of purchase and sale.
15. A contract of purchase and sale must be evidenced, in whole or in part, by a written grower's program, duly signed by the grower and by the processor or turkey broker (as the case may be), and filed with the Board by the date designated by the Board before the commencement of the quota year to which the program relates.
16. Every contract of purchase and sale is at all times subject to the authority of the Board, any agreement to waive any of the requirements of any order made by the Board is of no effect.
17. Any part of a contract of purchase and sale that is inconsistent with the written grower's program, or inconsistent with any requirements of any order made by the Board, is of no effect.
18. Every contract of purchase and sale commences on the start of a quota year and expires at the end of that quota year.
19. Turkey brokers may hire the services of a government inspected slaughter plant, provided that the plant is licensed by the Board as a processor, to custom kill all/or some of the regulated product contracted to them.
20. Any and all government inspected slaughter plants may apply for a license as a processor. If granted such license it may contract to custom kill any amount of licensed turkey production.
21. The board may require applicants to provide a business plan along with their application.

HATCHERIES AND POULT BROKERS

22. Every hatchery and poult broker which places or sells poult to be grown in British Columbia shall not later than the Monday following placement, complete and file with the Board a Poult Placement Report that includes the following information:
- a) the name of the person to whom the poult are sold;
 - b) the address where the poult were delivered; and
 - c) the number and type of poult sold.

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23. All poults sold or placed by a hatchery or a poult broker must be reported, including sales or placements of 50 or less turkey poults.
24. No hatchery, poult broker or grower shall sell or otherwise supply more than 50 poults in one quota year to a grower who is not licensed by the Board.

The Board, at its discretion, may exempt any person(s) of any of the sections of this Regulation upon an application by such person and due consideration of the matter including consultation with any other person(s) who might be affected by such an exemption.

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3. FARM PRACTICES REGULATION 2016

This regulation shall be known as the “Farm Practices Regulation” and shall come into force on the 30th day of April 2016 and may be amended from time to time.

CONTAGIOUS DISEASE REPORTING

1. All growers, regardless of license class, must report to the Board the presence of an infectious disease on their property that could have the potential of affecting the production of turkeys on their premises or the production of turkeys on other farms within the Province.
2. If the Board believes that the presence of a disease reported in 1. above can negatively affect turkey production within the Province or within regions of the Province, the Board will notify all growers, within the region or the Province of the name of the disease as well as the street address of any farms where such disease has been detected. The Board shall also notify any affected licensed catchers and processors
3. Diseases to be reported in 1. above include diseases that are not found in the Provincially or Federally reportable disease list such as Blackhead.

FOOD SAFETY AND BIO-SECURITY

4. All growers, regardless of license class, are subject to all government and/or board approved on farm food safety (OFFSP) and bio security protocols.
5. All growers, regardless of license class, are subject to bio security protocols endorsed by the industry as stipulated in the B.C. Poultry Industry Bio Security Manual.
6. All growers, regardless of license class, are subject to OFFSP audits and certification.
7. (1) Every Grower, regardless of license class, shall comply with the Turkey Farmers of Canada’s Flock Care Program and On Farm Food Safety Program, as well as the BC Poultry Biosecurity Protocols. A copy of these programs are available from the Board on request.

(2) Growers who fail to comply with the bio-security protocols, on farm food safety, and flock care protocols will be subject to suspension or cancellation of license per the British Columbia Turkey Marketing Board’s General Order Division 3 – Suspension & Cancellation of License, Section. 16.

MINIMUM SPACE REQUIREMENTS

8. Every grower, regardless of class of license, shall provide a minimum space of 4 kgs per sq. ft. of confined and covered housing for the production of all types of turkeys.

Notwithstanding the above, every grower shall provide enough space to enable the turkeys to stand normally, turn around and stretch their wings without difficulty.

GROWER’S PROGRAM

9. Every grower, regardless of class of license, shall prepare a written grower’s program to be counter signed by a processor or turkey broker and a hatchery or poult broker, and filed with the Board by the date specified by the Board before the commencement of the quota year to which the program relates. In the case of new entry growers planning to direct market the regulated product, they are

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to have their Grower's Program counter signed by the government-inspected plant that will be "custom killing" their turkeys.

10. Any amendments to a grower's program shall be immediately filed by the grower with the Board.

TRANSPORT ORDERS

11. Every grower shall, at the time the grower receives any poults, submit to the Board a poult placement card in a form prescribed by the Board. The poult placement card will include the following information;
- a. the grower's name and number,
 - b. the address of where the turkeys are being grown,
 - c. the name of the hatchery or poult broker or other person who supplied the poults,
 - d. the date the poults were received,
 - e. the number and type of poults placed (Light hens, Heavy hens, Light toms, Heavy toms)
 - f. the anticipated date(s) of marketing the turkeys,
 - g. the name of the agency to whom the turkeys are to be shipped, including all turkeys to be self marketed as direct sales,
 - h. the name of the trucker who will be transporting the turkeys, including all turkeys to be self trucked,
 - i. the signature of the grower or the grower's agent.
12. Provided that all required information included in the poult placement card is found to be in order, the board shall issue a transport order to the grower and the agency.
13. No person shall transport regulated product unless the person is in possession of a transport order issued by the Board authorizing and directing the transportation of the regulated product.
14. No grower shall market any regulated product, authorized to be transported under one allocation, under any other allocation, without the prior written consent of the Board in the form of a re-issued transport order.
15. No agency shall receive regulated product unless the agency is in possession of a transport order issued by the Board authorizing and directing the transportation of the regulated product.

RENTAL OF FACILITIES

16. A grower who wishes to rent facilities from any person must make application to the Board for approval of the rental arrangement. The Board shall approve a rental arrangement only if it satisfies the following criteria:
- a. the application must be accompanied by a valid and legally enforceable rental agreement,
 - b. the rental agreement must be for a minimum term of four months. (*The Board recommends that any rental agreement with a term greater than three years should be registered with the Land Title Office.*), and
 - c. the owner of the facility must receive Board approval of the rental arrangement before placing any poults in the rented facilities.

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ON FARM PROGRAM COORDINATOR

17. (1) The Board may designate a person to act as the On Farm Program Coordinator for the purpose of assisting in the administration of the Farm Practices Regulation.
- (2) A person designated by the Board to act as the On Farm Program Coordinator is authorized to exercise the following delegated powers of the Board:
- (a) the power to inspect the books, records and accounts of any person licensed by the Board relating to the production, transportation, processing, packing, storage or marketing of the regulated product, for the purpose of assessing the degree of compliance with the Farm Practices Regulation;
- (b) the power to request that any person licensed by the Board furnish information or documentation relating to the production, transportation, processing, packing, storage or marketing of the regulated product, for the purpose of assessing the degree of compliance with the Farm Practices Regulation;
- (c) the power to request that any person licensed by the Board make specific answers to any questions submitted to that person, for the purpose of assessing the degree of compliance with the Farm Practices Regulation;
- (d) the power to search vehicles in which the regulated product is transported, and to inspect any premises owned, occupied, or controlled by any person licensed by the Board and used for the production, transportation, processing, packing, storage or marketing of the regulated product, for the purpose of assessing the degree of compliance with the Farm Practices Regulation; and
- (e) the power to issue a corrective action request in relation to any matter noted by the On Farm Program Coordinator as being non-compliant with the Farm Practices Regulation.

REFERAL TO B.C. POULTRY BIOSECURITY COMMITTEE

18. (1) Where a person has failed to comply with a corrective action request issued by the On Farm Program Coordinator, the Board may seek a non-binding recommendation from the B.C. Poultry Biosecurity Committee.

The Board, at its discretion, may exempt any person(s) of any of the sections of this Regulation upon an application by such person and due consideration of the matter including consultation with any other person(s) who might be affected by such an exemption.

SUSPENSION AND CANCELLATION

19. (1) After giving a person an opportunity to be heard, the Board may impose terms and conditions with respect to the production, transportation, processing, packing, storage and marketing of the regulated product and may suspend or cancel the license held by, or quota

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allotted to, a person if that person has failed to comply with a corrective action request issued by the On Farm Program Coordinator.

- (2) Where a license and or quota has been suspended for a definite period by reason of a failure to comply with a corrective action request issued by the On Farm Program Coordinator, and that failure to comply has not been rectified within the period of suspension and continues, the Board may forthwith cancel the license and/or all or any part of the quota allotted to that person.
- (3) The Board may set and collect a charge or series of charges against a person who has failed to comply with a corrective action request issued by the On Farm Program Coordinator to recover the expenses incurred by the Board in connection with the imposition of terms and conditions with respect to the production, transportation, processing, packing, storage and marketing of the regulated product, and or the suspension or cancellation of the license held by, or quota allotted to, a person.
- (4) Before the Board imposes terms and conditions with respect to the production, transportation, processing, packing, storage and marketing of the regulated product, or suspends or cancels the license held by, or quota allotted to, a person, or sets a charge or series of charges against a person, the Board shall consider the following:
 - (a) previous enforcement actions for contraventions of a similar nature by the person;
 - (b) the gravity and magnitude of the contravention;
 - (c) the extent of the harm to others resulting from the contravention;
 - (d) whether the contravention was repeated or continuous;
 - (e) whether the contravention was deliberate;
 - (f) any economic benefit derived by the person from the contravention; and
 - (g) the person's efforts to correct the contravention.

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4. FEES & LEVIES REGULATION 2016

This regulation shall be known as the “Fees & Levies Regulation” and shall come into effect the 30th day of April 2016 and may be amended from time to time.

1. Unless otherwise ordered by the Board, the required license fee for each type of Class I license issued by the Board shall be:

Commercial Grower	\$100.00
New Entry Grower	\$100.00
Certified Organic Grower	\$100.00
Direct Vendor Grower	\$ 75.00
Live Haul Trucker	\$100.00
Processor	\$100.00
Exporter	\$100.00
Turkey Broker – No new turkey broker licenses to be issued after 2007.	\$100.00
Hatchery	\$100.00
Poult Broker	\$100.00

2. Unless otherwise ordered by the Board, the required license fee for each type of Class II license issued by the Board shall be:

Commercial Grower	\$500.00
New Entry Grower	\$500.00
Certified Organic Grower	\$500.00
Live Haul Trucker	\$500.00
Processor	\$500.00
Exporter	\$500.00
Turkey Broker	\$500.00
Hatchery	\$500.00
Poult Broker	\$500.00

3. Unless otherwise ordered by the Board, the required license fee for each type of Class III license issued by the Board shall be:

Commercial Grower	\$1,000.00
New Entry Grower	\$1,000.00
Certified Organic Grower	\$1,000.00
Live Haul Trucker	\$1,000.00
Processor	\$1,000.00
Exporter	\$1,000.00
Turkey Broker	\$1,000.00
Hatchery	\$1,000.00
Poult Broker	\$1,000.00

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4. A Class I license may be issued on an initial application to the Board or on any subsequent application if the applicant has not had a license of any class suspended or cancelled by the Board.
5. If a license of any Class is suspended or cancelled, the Board may issue, depending on the circumstances, another Class of license at its discretion. Such classification will be for the balance of the quota year, unless otherwise ordered by the Board.
6. Where more than one license category is part of a licensed business the Board will require payments of multiple license fees.
7. Where more than one license category is part of a grower's farm operation, the Board does not require multiple license fees.
8. The license fee for each class of license is payable annually. The license fee for each quota year is payable on or before the 15th day of April of the preceding quota year.
9. Unless otherwise ordered by the Board, the required service fee for various services provided by the Board shall be:

Transferor in a Quota Transfer	\$100.00
Transferee in a Quota Transfer	\$100.00
Lessor in a Quota Allocation Lease	\$100.00
Lessee in a Quota Allocation Lease	\$100.00
Late Filing Fee for any Board Required Filing	\$ 10.00/month

10. All license fees and service fees are subject applicable taxes.

LEVIES

11. Levies on regulated product marketed on Primary Commercial Quota, Incentive Commercial Quota, Export Regrow Commercial Quota, Certified Organic Quota and Multiplier Breeder Quota shall be four cents (4¢) per kilogram live weight.
12. Levies on regulated product marketed on Breeder By-product Quota shall be twenty-three and a quarter cents (23¼¢) per kilogram live weight.
13. All levies are subject to applicable taxes.
14. Levies and applicable taxes on regulated product (live turkeys) are to be deducted from the proceeds of the sale of regulated product by each processor and/or turkey broker agency and remitted to the Board within 14 days after the date of receipt of the regulated product by the agency.
15. All Registered Growers who market regulated product that exceeds their individual allocation in a quota year by more than 5% of their allocation or more than 25,000 kilograms, whichever is less ("excess production") shall:
 - a) be classified as being part of a group of growers who have exceeded their allocation by a considerable margin; and

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- b) pay an increased levy equal to 37.4 cents per kilogram live weight plus applicable taxes on the excess production.

The Board, at its discretion, may exempt any person(s) of any of the sections of this Regulation upon an application by such person and due consideration of the matter including consultation with any other person(s) who might be affected by such an exemption.

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5. PRICING REGULATION 2016

This regulation shall be known as the “Pricing Regulation” and came into force on the 30thth day of April 2016 and will be amended from time to time.

1. All Previous Pricing Regulations and Amendments thereto are hereby rescinded.
2. The grower price per kilogram live weight, F.O.B. the farm gate on a graded basis shall be not less than:

Turkeys in the live weight range on a flock average basis*	Grade ‘A’	Undergrades	Ungraded
Turkeys under 6.2 kgs			
Turkeys 6.2 kgs and under 8.5 kgs			
Turkeys 8.5 kgs and under 10.8 kgs			
Turkeys 10.8 kgs and under 13.3 kgs			
Turkeys 13.3 kgs and over			

Each lot of turkeys must be weighed prior to the scheduled processing time agreed to in advance by the grower and processor.

*Flock average basis means turkeys placed on/or about the same day and shipped on the same day or consecutive days.

CERTIFIED ORGANIC PRICING REGULATION

This regulation shall be known as the “Certified Organic Pricing Regulation and came into force on the 30th day of April 2016 and will be amended from time to time.

1. The grower price per kilogram live weight, F.O.B. the farm gate for certified organic turkeys shall be not less than:

Turkeys in the live weight range on a flock average basis*			
Certified Organic Turkeys			

Each lot of turkeys must be weighed prior to the scheduled processing time agreed to in advance by the grower and processor.

*Flock average basis means turkeys placed on/or about the same day and shipped on the same day or consecutive days.

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6. QUOTA REGULATION 2016

This regulation shall be known as the “Quota Regulation” and shall come into force on the 30th day of April 2016 and may be amended from time to time.

QUOTA

1. Quota shall be categorized as Primary Quota or Secondary Quota and a grower may hold multiple categories and types of quota.

Types of quota issued under the following programmes shall be categorized as Primary Quota:

Commercial Quota
Certified Organic Quota
New Entrant Quota

Types of quota issued under the following programmes shall be categorized as Secondary Quota:

Multiplier Breeder Quota,
Breeder By-Product Quota,
Export Regrow Quota, and
Incentive Quota

2. Direct Vendor (small lot) allowances are not quota of any category or type.
3. Personal consumption allowances are not quota of any category or type.
4. Secondary quota, Direct Vendor (small lot) allowances and personal consumption allowances shall not be transferred nor leased.

COMMERCIAL QUOTA

6. Commercial quota and new entrant quota issued to a licensed grower may be used to produce any class or size of turkey except certified organic turkey unless specifically authorized by the Board.
7. The Board will consider applications to produce certified organic turkey by growers holding commercial quota or new entrant quota providing there is a demonstrated market demand that cannot be filled by existing organic quota. These applications must be accompanied by a business plan in a form acceptable to the Board.
8. In the event that the Board approves the production of certified organic turkey by a grower holding commercial quota or new entrant quota, the Board will issue a three (3) year renewable approval to the grower in a defined amount of production. The grower will be required to produce the defined amount of certified organic turkey for a minimum of three (3) years before being permitted to convert the approved production volume back to commercial turkey or new entrant turkey. Applications to renew for a further three (3) years must be made on/or before the 2nd anniversary of the approval or the approval may terminate at the third anniversary.

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6. QUOTA REGULATION 2016

9. Commercial growers approved to produce certified organic turkey pursuant to 8. above shall be provided adequate time to have their facilities and production practices certified by an accredited agency before the start of the three (3) year approval.

CERTIFIED ORGANIC QUOTA

10. Certified Organic quota issued to a licensed grower may be used to produce only organic turkey certified as such by an accredited third party agency approved by the Board.
11. In the event a licensed grower holding Certified Organic quota is unable to market a turkey flock as certified organic due to temporary production conditions resulting in the suspension or lack of certification for that flock, the grower must apply to the Board for approval to market the turkey as commercial turkey. Any such application must be accompanied by a plan demonstrating that future flocks will be certified organic. Failure to make application, including submission of a corrective action plan, may result in suspension or cancellation of some or all of the grower's quota.
12. Failure to maintain certification or the inability to certify three (3) successive flocks may result in the suspension or cancellation of some or all of the grower's Certified Organic quota.
13. Future increases in allocation to licensed certified organic growers will be subject to the Board's allocation policies and decisions.

MULTIPLIER BREEDER QUOTA

14. Upon application by a breeder, the Board may issue Multiplier Breeder Quota for the marketing of breeder toms and hens as mature turkeys.
15. The issuance of Multiplier Breeder Quota is conditional upon the placement of multiplier breeder hens and toms in accordance with the national agency's Multiplier Breeder Policy. The Board may suspend or revoke the Multiplier Breeder Quota of a breeder that fails to operate in accordance with that policy.
16. Multiplier Breeder Quota is subject to all regulations that apply to quota generally, including, without limitation, the payment of licensing fees, levies and dues, both provincial and national, over-marketing fees as well as any other regulations and orders issued by the Board.
17. Each breeder shall apply to the Board on a yearly basis for Multiplier Breeder Quota and for a conditional allocation for the marketing of spent breeder turkeys in accordance with the national agency's Multiplier Breeder Policy.
18. If a breeder to whom Multiplier Breeder Quota has been issued downsizes or discontinues its breeder operation, the Multiplier Breeder Quota issued to it shall revert to the Board.

BREEDER BY-PRODUCT QUOTA

19. Upon application by a breeder, the Board may issue Breeder By-product Quota for the marketing of the "off-line" toms and culled breeder hens as young turkeys.

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20. The issuance of Breeder By-product Quota is conditional upon the placement of multiplier breeder hens by the breeder in accordance with the national agency's Multiplier Breeder Policy. The Breeder By-product Quota issued to a breeder shall be equal to 10 kilograms of young turkey marketings for each multiplier breeder hen placed by the breeder in a quota year.
21. Breeder By-product Quota is subject to all regulations that apply to quota generally, including, without limitation, the payment of licensing fees, levies and dues, both provincial and national, over-marketing fees as well as any other regulations and orders issued by the Board.
22. Each breeder shall apply to the Board on a yearly basis for Breeder By-Product Quota.
23. If a breeder to whom Breeder By-product Quota has been issued downsizes or discontinues its breeder operation, the Breeder By-product Quota issued to it shall revert to the Board.

EXPORT REGROW QUOTA

24. An exporter who has fulfilled all of the conditions set by the national Agency's and the Provincial Board's Export Policy may apply to the Board for turkeys to be grown to replace turkeys or turkey parts exported in accordance with that policy.
25. The Board may issue quota to fulfill these requirements, which shall be known as Export Regrow Quota.
26. Export Regrow Quota shall be issued to growers based on the volume of regulated product shipped to the exporter.
27. Export Regrow Quota is subject to all regulations that apply to quota generally, including, without limitation, payment of levies and dues both provincial and national, over marketing fees as well as any other regulations of the Board.

SHORT TERM QUOTA LEASE

A short term quota lease is a lease between two registered growers where the length of the lease is for duration of less than 12 months. The Board at its discretion may also allow the use of short term quota leases in situations whereby no fault of their own; a grower may have inadvertently over or under produced their allocation. In these circumstances, the Board may grant a short term quota lease in order to allow the affected grower's production to fall within his production sleeve.

28. With the exception of short term quota leases granted by the Board, any grower who leases out any of its Quota shall not be eligible to apply for Export Regrow Quota for the quota year of the lease.

INCENTIVE QUOTA

29. The Board may, in response to exceptional circumstances within the British Columbia turkey industry, issue additional quota to growers to be known as Incentive Quota.

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ALLOCATION

30. An allocation as a percentage of each type of quota on issue in the Province will be fixed by the Board for each quota year, and may be varied by the Board from time to time during a quota year, in accordance with the market as estimated by the Board and its various advisors from time to time.
31. The allocation percentage set in accordance with s30. above will be applied pro-rata to all holders of that type of quota.
32. The Board shall prepare and submit to BCFIRB for prior approval all proposed quota allocations of each type or category of quota, including its rationale for the allocation to each type of quota.

ALLOCATION RULES

33. If a grower, regardless of license class, markets more than 95% but less than 100% of that grower's allocation in a quota year, that grower's allocation for the next quota year shall increase by the number of kilograms of the shortfall or 25,000 kilograms, whichever is less.
34. If a grower regardless of a license class, markets less than 95% but more than 80% of that grower's allocation in a quota year, that grower's allocation for the next quota year shall increase by 5% of the grower's allocation for the quota year of the shortfall or 25,000 kilograms, whichever is less.
35. If a grower markets regulated product that exceeds the grower's total allocation in a quota year;
 - a) if the excess is 5% or less of the grower's total allocation and 25,000 kilograms or less, the grower's allocation for the next quota year shall be reduced by the amount of the excess;
 - b) if the excess is more than 5% of the grower's allocation or more than 25,000 kilograms, the grower's allocation for the next quota year shall be reduced by the lesser of 5% of the grower's allocation or 25,000 kilograms, plus twice the number of kilograms by which the excess exceeded 5% of the grower's allocation or 25,000 kilograms in the quota year; and
 - c) a grower to whom "b" applies shall pay an increased levy equal to 37.4 cents per kilogram live weight plus applicable tax on production that exceeds the total of his allowable allocation plus the lesser of 5% of his allocation or 25,000 kilograms.

LEASING OF ALLOCATION

36. A prospective lessor of allocation shall file with the Board a notice of intention for each proposed lease of allocation, which notice shall include:
 - a) the name of the prospective lessor;
 - b) the name of the contact person for the prospective lessor;
 - c) the address, telephone number, fax number and e-mail address of the contact person;
 - d) the name and contact information of the prospective lessee (if known);
 - e) the number of kilograms of allocation to be leased; and

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- f) the proposed effective date of the lease, which shall be at least 28 days after the day on which the notice is filed with the Board. Section 36 f) does not apply to short term quota leases
37. At the request of the lessor, The Board shall circulate a copy of the notice to all growers and as well as post it on the Board's website. Any person who wishes to lease the allocation derived from their commercial quota must contact the lessor directly for purposes of entering into negotiations for a lease.
38. Following successful negotiations, the proposed lessor and lessee(s) shall each apply to the Board in a form prescribed by the Board for approval of the lease. The applications must be filed at least 14 days prior to the date poult is to be placed on the leased allocation. The required fees shall accompany the applications. Section 38) does not apply to short term quota leases.
39. Each lessee of allocation must be a licensed grower at the effective date of the lease.
40. The regulated product grown on the lease must be marketed to the processor or turkey broker to whom the lessor was contracted or directed to market the regulated product. Section 40) does not apply to short term quota leases.
41. Maximum and minimum quota restrictions set out in this regulation and the BCTMB General Order 2016 shall apply to the lessor and the lessee.
42. The right to produce under the Direct Vendor grower program is not considered to be quota, and may not be leased.

SALE OF EXCESS REGULATED PRODUCT BY THE BOARD

43. As a condition of the assignment of quota by the Board to a grower, the grower will make available to the Board or its agent all regulated product grown in excess of the grower's assigned allocation at a price not exceeding the difference, if any, between the price realized by the Board or its agent on the marketing of such regulated product and the Board's expenses related to such marketing.

NEW ENTRANT GROWERS PROGRAM

44. The Board has established a New Entrant Growers Program which shall include the provision of a one time issuance of up to 15,000 kg Primary Quota to each successful new entrant subject to the procedures set out below.
45. Quota to fund the issuance of Primary Quota to successful new entrants will be provided from transfer assessments and from increases in provincial allocation from the Turkey Farmers of Canada. The Board will offer new entrant quota issuances in multiples of up to 15,000 kg to the extent quota is available in the pool established by the transfer assessments. Notwithstanding the amount provided to the new entrant pool from the transfer assessments, the Board will annually make available a minimum of 30,000 kg of quota to the New Entrant Growers Program.

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46. The minimum New Entry Quota allocation shall be subject to there being at least 30,000 kg available from the sum of increased allocation received from the TFC for the upcoming quota year plus any amounts of quota realized from transfer assessments and not previously issued and allocated through the New Entrant Growers Program.
47. Persons wishing to apply for consideration as a new entry grower shall be required to make application to the Board in a form acceptable to the Board.
48. Only persons being residents of British Columbia over the age of 19 years and who currently own land suitable for raising turkeys shall be eligible to apply as a new entry grower.
49. That no person who owns or has previously held quota in one of the SM5 sectors (milk, eggs, turkey, chicken, broiler hatching eggs) is eligible to apply for or receive new entrant quota.
1. That for the purposes of the above requirement:
- a. "person" included that person in their own name, any partnership in which that person is or was a partner, or any company or limited partnership in which that person holds or has held shares; and
 - b. "person" includes spouse. A spousal relationship is a relationship in which persons (i) are married or (ii) are cohabiting in a conjugal relationship, having so cohabited for a continuous period of at least one year.
2. That to be eligible to remain on/or be added to the waitlist, every applicant is required to file with the Board a sworn or notarized document:
- a. Making full disclosure with regard to Items 1a and 1b and undertaking that the applicant will promptly notify the Board of any new information or developments pertaining to required disclosures at any time while the person remains on the waiting list.
 - b. Undertaking that the applicant understands and is prepared to comply with all the requirements of the new entrant program as they exist from time to time, including the requirement to operate any quota granted under the program as an independent production unit, and be involved in the day-to-day operations of the farm.
 - c. Confirming that all the rights and privileges subsequently obtained under the new entrant program including quota subsequently granted, may be revoked without compensation if it is determined that the applicant(s) has provided false or misleading information, or has failed to comply with the conditions or requirements of the program.
 - d. Confirming that the applicant understands and agrees to the publication of that person's name on the waitlist, or that person's name as a successful applicant, as required by participation in the new entrant program.
50. All applications will be placed on the appropriate wait list in the order in which they are received. The list is comprised of:
- Priority 1: 4 New Entrant Applications for New Innovative Specialty Products;
Priority 2: 4 New Entrant Applications for Organic Turkey providing there is a market demand;

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- Priority 3: 4 New Entrant Applications for Regional Markets outside the Lower Fraser Valley; and
Priority 4: 4 New Entrant Applications to produce Commercial Turkey anywhere in BC.

Any new openings on the waiting list will be posted on the board's website at which time any interested parties can make an application in the appropriate form to be put on the new entrant wait list. The opening will be posted for ninety (90) days following which a draw will be held to determine the successful applicant.

51. For those on the waitlist, a \$100 plus applicable taxes non-refundable application fee payable to the Board shall accompany all applications.
52. All applications shall be subject to annual renewal, and the non-refundable annual renewal fee shall be \$50 plus applicable taxes.
53. Waiting lists will be published on the Board's website, and will be updated semi-annually at a minimum.
54. Invitations to become a new entry grower will be offered annually by the Board in accordance with the following priorities:
- 1st to persons indicating a plan to produce and direct market new, innovative specialty turkey products;
 - 2nd to persons indicating a plan to produce certified organic turkey, providing there is a market demand for increased production of certified organic turkey;
 - 3rd to persons planning to produce and market locally for regional markets outside the Lower Fraser Valley region; and,
 - 4th to persons planning to produce commercial turkey anywhere in BC.
55. Invitation priorities pursuant to s.54 above will be considered additive insofar as an applicant fulfilling two or more of the priorities may be offered a new entrant opportunity ahead of applicants fulfilling only one of the priority criteria.
56. Persons receiving invitations shall have 60 days to complete and or agree to the following:
- a. Submit a business plan containing at a minimum projected financial statements, details concerning the intended production facility and a detailed marketing plan together with an undertaking to comply with the Board's regulations as amended from time to time. The production facility details will include at a minimum, schematics of any existing or proposed new construction and pictures of existing facilities where the turkeys will be grown.
 - b. Agree to have the Board's auditor physically inspect the proposed production facility (facilities) before new entrant quota is granted.
 - c. Agree to have their names published on the Board's website for a minimum of 30 days in order to allow the public a chance to voice any objections they may have to the new entrant invitation.

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57. Business plans must be submitted together with a \$5,000 deposit, such deposit to be refundable upon the first placement of poults by the new entry grower. In the event the new entry grower fails to place poults within 12 months of licensing by the Board, the fee shall be forfeited and the new entrant invitation withdrawn.
58. Prospective new entry growers undertaking to produce certified organic turkey must include either their certification as an organic grower or the schedule upon which they will become certified. Failure to become certified within the intended and approved timeframe will cause the new entrant's license and quota allocation to be suspended or cancelled.
59. Upon approval of the applicant's business plan by the Board, the applicant shall be licensed as a new entry grower.
60. New entry growers planning to produce certified organic turkey shall be issued up to a total of 15,000 kilograms of Certified Organic Quota. All other new entrants shall be issued up to a total of 15,000 kilograms of Commercial Quota.
61. New entry growers, whether producing innovative new products or certified organic products, serving local or regional markets by direct marketing, or supplying the commercial market through processors or turkey brokers, shall be obligated to comply with the provisions of the Board's General Order and Regulations.
62. Quota issued by the Board to a new entry grower that is not utilized for two (2) consecutive years will be withdrawn by the Board and made available for re-issuance by the Board through the New Entry Grower Program.
63. Notwithstanding the Board's offer of up to 15,000 kg of quota, new entry growers may acquire additional quota by transfer from other growers, as approved by the Board.
64. Regulated product issued under the new entrant program must be shipped and marketed as per the marketing plan submitted by the applicant in s56. above. Failure to do so will cause the new entrant's license and quota allocation to be suspended or cancelled.
65. There is permitted to be a maximum of one New Entry quota per person, or entity per property. No other supply managed quota is allowed to be grown on the same premises unless it has been leased or purchased subsequently by the new entrant.
66. A person seeking to participate in the New Entrant Growers' Program must have a genuine intention to be actively engaged in turkey production. The Board will determine, in its sole discretion, whether an entrant is actively engaged in turkey production for the purposes of the New Entrant Growers' Program. Without limiting the generality of the foregoing, the Board will have regard to the following factors:
 - a) whether the New Entrant Grower Quota is being used for the benefit of the new entrant;
 - b) whether the entrant is active in the day-to-day affairs of the production unit, including matters of animal husbandry;

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- c) whether the entrant operates and controls the production unit;
- d) whether the entrant owns, leases or rents the production unit;
- e) whether the entrant pays for feed and other farm supplies utilized on the production unit; and
- f) whether the entrant enjoys the chance of profit and bears the risk of loss in relation to the operations of the production unit.

Failing to fulfill any of the requirements listed above may result in the immediate suspension or cancellation of the New Entrant's quota.

FARM GATE SALES

- 67. Commercial Quota, New Entrant Quota and Certified Organic Quota holders who engage in "farm gate sales" direct to the consumer must report such marketings and pay the applicable levies.
- 68. All direct "farm gate sales" will be considered production as part of the grower's quota allocation.

DIRECT VENDOR ALLOWANCE

- 69. An allowance, not considered to be quota, will be allowed to Direct Vendor growers who are permitted to place no more than 300 poult (regulated product) in one quota year.
- 70. A Direct Vendor grower shall not market any regulated product, other than at the farm gate, at a farmer's market, through an independent butcher, or through an independent restaurant, to any person who is not the end consumer of the regulated product. A Direct Vendor grower shall not market any regulated product to any other grower, wholesaler or broker, to any processor or turkey broker, or to any retail grocery or commercial foodservice chain.
- 71. Direct Vendor Allowances shall not be permitted on property that is either owned or leased by a licensed Commercial, New Entrant or Organic Turkey Grower.

PERSONAL CONSUMPTION ALLOWANCE

- 73. An allowance, not considered to be quota, will be allowed to any person for personal consumption and consumption of the family. Personal consumption growers are permitted to place no more than 50 poult (regulated product) per quota year per family or farm production unit or legal land description.
- 74. No personal consumption grower shall market any regulated product to any other person, or to any other grower, any butcher shop or meat market, any wholesaler or broker, or to any processor or turkey broker.

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MAXIMUM QUOTA HOLDINGS

75. Associated growers are considered to be one grower for purposes of this regulation.
76. No grower or group of associated growers shall hold or control quota, excluding Export Regrow Quota, in excess of 5% of the total quota (commercial and certified organic combined), on issue to growers in British Columbia (maximum allowable quota).
77. The Board may issue two or more quotas to the same person provided that the combined total quota on issue to that person plus the total quota on issue to any associated grower(s) does not exceed the maximum allowable quota for that type or class of quota.
78. When a grower is a bona fide partnership or corporation, the Board may issue a separate quota to each partner or voting shareholder proportionate to their partnership interest or voting shareholding provided that the total of the quota issued to the partners or voting shareholders shall not exceed the maximum allowable quota.
79. Quota issued to new entry growers pursuant to the New Entrant Grower Program is restricted to a total of no more than 15,000 kilograms per family, farm production unit or legal land description.
80. Direct Vendor allowances are restricted to placements of no more than 300 turkey poults (regulated product) per year per family, farm production unit or legal land description, and are not defined as quota.

TRANSFER OF OWNERSHIP

81. The Board may suspend or cancel a quota in whole or in part:
 - a) Upon the sale, transfer or lease of a turkey production unit or an interest therein by a grower,
 - b) Upon the sale, transfer, or other disposition of the controlling interest in a grower that is a corporation,
 - c) Upon the creation of any trust, agreement or scheme whereby control of the corporation is sold, transferred or otherwise disposed of.

QUOTA TRANSFER

82. A grower may transfer quota with the written approval of the Board.
83. The board will upon request of the transferor circulate a notice to all growers and post the notice to transfer quota on the board's website.
84. The proposed transferor and transferee(s) shall each apply to the Board in a form prescribed by the Board for approval of the transfer.

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85. No application for transfer of quota will be accepted unless the transferor is in good standing with the Board, with respect to all fees, penalties, or other debts that are due and payable to the Board.
86. Any transfers will be posted on the Board’s website for 30 days following approval of the transfer.
87. The required fees shall accompany the applications of both the transferor and the transferee.
88. The Board shall assess the applications and may approve the quota transfer where the following criteria have been satisfied:
- a) the business plan of the proposed transferee is acceptable to the Board;
 - b) the proposed transferee is a licensed grower or will be qualified to be licensed as a grower at the effective date of the transfer;
 - c) the proposed transferee can satisfy the minimum space requirements set out in the Board’s Farm Practices Regulation; and
 - d) the proposed transferee shall not obtain a loan, a guarantee or other financial assistance from a person other than the transferor, a savings institution or a person who, in the opinion of the Board, has no financial interest in the turkey industry.
89. Anyone who transfers quota either new entrant or commercial will not be eligible to apply for a Direct Vendor permit at any future date.
91. With the exception of quota issued under Section 95 of these regulations, growers transferring quota will have a Five (5%) percent assessment withheld from all quota transfers.
92. In addition to Sec.91 the Board will withhold from the transfer of quota a percentage of the amount transferred in accordance with the length of time elapsed since the transferor acquired the quota, as set out below:

Within one year of acquisition	30%
Between 1 and 2 years of acquisition	20%
Between 2 and 3 years of acquisition	10%
Over three years of acquisition	0%

For the purpose of this section, the quota being transferred shall be deemed to be the first quota acquired by the transferor.

93. When the majority voting shares of a grower corporation, which holds quota, are to be sold or otherwise disposed of, the grower must notify the Board of the transfer of ownership by supplying a copy of the share register of the corporation. The quota of the corporation may be revoked or cancelled upon order of the Board if it is found that such a change in the ownership contravenes this or any other regulation or the Board’s General Order.

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- 94.** Section 91, Section 92 and the provisions of section 95 pertaining to New Primary Quota shall not apply:
- a. Where the transferee is a direct family member defined as spouse, child and child's spouse;
 - b. Where a transfer occurs among siblings for reasons related to succession planning, and where the quota amount being transferred is and will remain attached to the "family farm" in question. Any transfer to a sibling, for any purpose, that results in quota being moved off the "farm" will require a transfer assessment;
 - c. Where two or more growers enter into an agreement of partnership and the partnership interest of such grower is proportionate to the quota registered in that grower's name;
 - d. Where the amount of quota deemed to have been allotted to a grower having an interest in a partnership remains registered in the grower's name upon dissolution of the partnership.
- 95.** Subject to section 94, growers transferring New Primary Quota (including Commercial Quota and Certified Organic Quota) issued after May 1, 2007, and growers transferring New Entrant Quota issued at any time, will have an assessment withheld from the quota transferred as follows:

Within the first year of issuance	Total of	0%
Between 1 & 2 years of issuance	Total of	10%
Between 2 & 3 years of issuance	Another 10% total of	20%
Between 3 & 4 years of issuance	Another 10% total of	30%
Between 4 & 5 years of issuance	Another 10% total of	40%
Between 5 & 6 years of issuance	Another 10% total of	50%
Between 6 & 7 years of issuance	Another 10% total of	60%
Between 7 & 8 years of issuance	Another 10% total of	70%
Between 8 & 9 years of issuance	Another 10% total of	80%
Between 9 & 10 years of issuance	Another 10% total of	90%
After 10 years from issuance	Total of	90%

- 96.** For the purpose of 95. above the quota being transferred shall be deemed to be last quota acquired by the transferor.

The Board, at its discretion, may exempt any person(s) of any of the sections of this Regulation upon an application by such a person and due consideration of the matter including consultation with any other person(s) who might be affected by such an exemption.

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7. ADVISORY COMMITTEES REGULATION 2016

This regulation shall be known as the “Advisory Committees Regulation” and shall come into force on the 30th day of April 2016 and may be amended from time to time.

PURPOSE

1. The Board values the input and advice of a broad range of stakeholders committed to the success and future of the BC turkey industry.
2. The Board shall from time to time cause to be established Advisory Committees to provide advice and recommendations to the Board concerning matters such as market trends and requirements, production standards, and Board policies regarding the production and marketing of turkeys pursuant to the purpose of the orders as defined in Division 1, Section 3 of the General Order.

NEW ENTRANTS AND SPECIALTY MARKETS ADVISORY COMMITTEE

3. A New Entrants and Specialty Markets Advisory Committee shall be established for the purpose of providing the Board with advice concerning new entrant grower issues, specialty markets, the production and marketing of specialty turkey (including free range production) and new market innovations having the potential to expand the BC turkey industry.

NEW ENTRANTS AND SPECIALTY MARKETS ADVISORY COMMITTEE COMPOSITION

4. The Board shall make all appointments to the New Entrants and Specialty Markets Advisory Committee.
5. Appointments shall be for a period of one (1) year. There shall be no limit to the number of years a person can be appointed to the Committee.
6. Appointments shall be for the quota year, running from May to April.
7. The Committee shall be comprised of a minimum of four (4) persons selected from the following groups:
 - a) One (1) certified organic grower holding Certified Organic quota;
 - b) One (1) new entrant direct marketer holding at least one class of Primary Quota and residing on Vancouver Island; and,
 - c) One (1) new entrant direct marketer holding at least one class of Primary Quota and residing in the lower mainland or the interior of the Province,
 - d) One (1) processor or turkey broker involved with the marketing of specialty turkey products.
8. In addition, the Committee shall have one (1) Board Member serving as a non-voting member of the Committee.
9. All appointees must be in good standing with the Board.

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SPECIALTY MARKETS ADVISORY COMMITTEE TERMS OF REFERENCE

10. The Committee shall provide the Board with advice on the following matters:
 - a. Market trend for specialty and free range turkey products, including supply, demand and price trends
 - b. Allocation needs to meet the market demand for specialty products, including making allocation recommendations for the Boards' periodic distribution of allocation received from the Turkey Farmers of Canada (TFC);
 - c. Assessment of new innovations proposed by growers seeking entry through the New Entrant Growers Program;
 - d. Unique production protocols for specialty production, and specifically concerning on-farm food safety and bio-security protocols and how these impact the Board's Farm Practices Regulation;
 - e. Policy recommendations concerning new entrant and specialty turkey production and marketing; and
 - f. Any other matters considered by the Board or the Committee to be related to the production and marketing of new entrant and specialty turkey products.
11. The Committee shall not be compelled to advise the Board on any matter.
12. The Committee shall not delay decision making by the Board.

NEW ENTRANT AND SPECIALTY MARKETS ADVISORY COMMITTEE PROCEDURES

13. The Board shall appoint a Chair.
14. The Committee is intended to undertake its work and make decisions based on cooperation and consensus.
15. In the event of decisions requiring a vote, a simple majority shall determine the question.
16. In case of a tie, the Chair shall have a tie-breaking vote.
17. A quorum shall be three (3) members including the Chair.
18. Meetings may be called at the request of the Board, at the call of the Chair of the Committee, or at the request of at least two (2) Committee members.
19. The Committee shall meet annually at a minimum.
20. Meetings shall be held at the Board offices, and the board will provide its boardroom for this purpose.
21. The Board shall provide secretarial and administrative support to the Committee.

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22. Minutes of meetings shall be kept and approved by the Committee.
23. The Board may, at its sole discretion, pay for travel costs for members to attend the meetings.

The board at its discretion may exempt any person(s) of any of the sections of this Regulation upon an application by such person and due consideration of the matter including consultation with any other person(s) who might be affected by such an exemption.