

Revised Consolidated Order – April 2019

PART I - INTRODUCTION

Purpose of Order

1. The British Columbia Hog Marketing Commission (the “Commission”) has approved this Consolidated Order for the purpose of promoting, controlling and regulating the production, buying, selling, shipping for sale, offering for sale or storage, and transportation, of Hogs grown in the Province of British Columbia for processing.

Interpretation

2. In this and all Orders of the Commission, unless the context requires otherwise:

“**Boar**” means a mature, male Hog having a Hot Dressed Carcass Weight equal to or greater than 99 kilograms.

“**Commercial Producer**” means a Person who operates a Farm:

- a) from which that Person markets; or
- b) on which there are Hog production facilities capable of producing for market; 300 or more Hogs annually, for processing.

“**Farm**” means all the facilities and equipment used for the production of Hogs that are geographically and operationally separate from any other facilities or equipment used for the production of Hogs. No more than one Farm may exist on a single parcel of land.

“**Hog**” means a pig of any age grown in the Province of British Columbia for processing.

“**Hot Dressed Carcass Weight**” means the measured weight, on a Processor’s or Vendor’s scale, of a carcass derived from a Merchantable Hog after removal of the hair, toenails and interdigital skin, alimentary canal, liver, spleen, genital tract and genitalia, heart, lungs, salivary glands and spinal cord.

“**Market Hog**” means a Merchantable Hog having a Hot Dressed Carcass Weight:

- a) equal to, or greater than, 74 kilograms; and
- b) less than 115 kilograms.

“**Member**” means a member of the Commission and includes the Chair of the Commission.

“**Merchantable Hog**” means a live Hog of merchantable quality for processing, but excludes a Boar.

“Person” means a person as defined in the Interpretation Act, R.S.B.C. 1996, c. 238.

“Processor” means a Person who operates facilities from which that Person slaughters, freezes, cans, packs, preserves or changes the nature of Hogs by mechanical means or otherwise, and either sells, ships for sale, offers for sale or storage, or transports Hogs, or any article of food wholly or partly derived therefrom.

“Producer” means a Person who operates a Farm from which that Person markets one or more Hogs annually.

“Production Year” means the 12 month period from September 1 in a calendar year to August 31 in the following calendar year.

“Registered Producer” means a Commercial Producer whose name has been entered and remains registered in the Commission’s register of Producers as a Commercial Producer.

“Round Hog” means a Merchantable Hog having a Hot Dressed Carcass Weight:

- a) equal to or greater than 25 kilograms; and
- b) less than 74 kilograms.

“Scheme” means the BC Hog Marketing Scheme, BC Reg 109/80.

“Sow” means a mature, female, Merchantable Hog having a Hot Dressed Carcass Weight equal to or greater than 115 kilograms.

“Suckling Hog” means a Merchantable Hog having a Hot Dressed Carcass Weight less than 25 kilograms.

“Transporter” means a Person who:

- a) owns or operates a vehicle or vehicles for the transportation of Hogs; and
- b) holds, or is required to hold, a commercial motor vehicle licence;

but does not include a Producer who owns or operates a vehicle or vehicles for the transportation of Hogs produced by that Producer, and who does not operate such vehicle or vehicles for the transportation of Hogs produced by any other Person.

“Valid License” means a current and subsisting licence of the applicable class issued by the Commission to a Person in good standing with respect to each and every requirement therefor.

“Vendor” means any Person dealing in Hogs, whether by purchase or sale or on the basis of delivery on consignment for sale, but does not include Processors or Producers

PART II - LICENCING

Requirement to Hold Licence

3. No Person shall act as a Commercial Producer, Processor, Vendor or Transporter unless in possession of a valid and subsisting licence issued by the Commission, and no Person shall be relieved of compliance with this requirement in respect of any class of licence on the grounds that such Person is the holder of a valid and subsisting licence of another class.

Licence Classes and Fees

4. Every application for a licence must be made to the Commission in the required form with the Licence fee prescribed in Schedule 1.

Licence Conditions

5. It is a condition of issuance and maintenance of every licence that the applicant or holder complies with the Orders of the Commission from time to time in force and all applicable legislation and regulations.
6. It is a condition of issuance and maintenance of every Commercial Producer licence that the applicant or holder be validated annually under the Canadian Pork Excellence Program (CPE) or equivalent.
7. No more than one Commercial Producer licence shall be issued to a Person who operates more than one Farm.
8. No licence shall be issued to any individual who is under the age of nineteen years, or to any corporation controlled by any individuals under the age of nineteen years, or to any partnership with respect to which any individual member is under the age of nineteen years.
9. Where Persons carry on business in partnership, each with the other, a Valid Licence may be issued by the Commission in the names of each of the partners and in the business name carried on by those partners, if any. Such licence is subject to cancellation upon order of the Commission in the event of a change in the membership of the partnership with respect to a Person or Persons having an interest of 50% or more in the partnership.
10. Where a Valid Licence has been issued by the Commission to a corporation, such licence 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.
11. Licences are not transferable.

Renewal

12. At the commencement of a Production Year, the Commission will renew licences upon receipt of the prescribed application and licence fee and registration fee, where applicable, provided that the Licensee satisfies all applicable licence conditions as described herein.

Register of Producers

13. A Commercial Producer will be entered in the Commission's register of Producers as a Commercial Producer upon meeting the following conditions:
 - a) being the holder of a Valid Commercial Producer Licence; and
 - b) making annual payment to the Commission of a registration fee as prescribed in Schedule 1.

PART III – LEVIES

Producer Levies

14. Levies are fixed and imposed on each Producer as set out in Schedule 2, irrespective of whether any such Producer is the holder of a Valid Licence issued by the Commission.

Processor and Vendor Responsibility Regarding Producer Levies

15. Every Processor or Vendor, before making payment to a Producer, shall deduct from the total payable to such Producer the amount of levies assessed against the Producer under Schedule 2.
16. Every Processor that provides custom processor services to a Producer shall add to the invoice for such services the amount of levies assessed against the Producer under Schedule 2.
17. Levies collected by a Processor or Vendor as required herein shall be:
 - a) remitted to the Commission at a reasonable interval by each such Processor or Vendor; and
 - b) accompanied by a written statement in a form prescribed by the Commission.

PART IV - RECORDS AND INSPECTION

Books, Records and Accounts

18. Every Producer, Processor, Vendor and Transporter shall keep in the English language complete and accurate books, records and accounts of all matters relating to the production, buying, selling, shipping for sale, offering for sale or storage, and transportation, of Hogs.
19. All books, records and accounts required to be kept as provided herein must at all times be available for inspection by the Commission, or any officer or auditor of the Commission, or any other Person as may be authorized by the Commission from time to time to make an inquiry or report.
20. Every Producer, Processor, Vendor and Transporter shall retain and have available for inspection by the Commission all original records, whether contained in books or accounts, for a period of three years.

Licenseses to Furnish Information and Permit Inspection

21. Every Person shall, upon request, furnish to the Commission any information for audit relating to the production, buying, selling, shipping for sale, offering for sale or storage, and transportation, of Hogs, and shall make specific answers to any questions submitted to that Person by any Member, employee or agent of the Commission for that purpose, and shall permit any Member, employee or agent of the Commission to search vehicles in which Hogs are transported, and to inspect any Farm owned, occupied or controlled by such Person.

PART V - PROHIBITIONS

Commercial Producer

22. No Producer shall deliver, ship or otherwise make available Hogs to a Processor, Vendor or Transporter who is not the holder of a Valid Licence where required under the Consolidated Order.

Processor

23. No Processor shall receive Hogs from a Producer, Vendor or Transporter who is not the holder of a Valid Licence where required under the Consolidated Order.

Vendor

24. No Vendor shall receive Hogs from a Commercial Producer, Processor or Transporter who is not the holder of a Valid License where required under the Consolidated Order.

Transporter

25. No Transporter shall receive Hogs from a Commercial Producer, Processor or Vendor who is not the holder of a Valid Licence where required under the Consolidated Order.

PART VI - COMPLIANCE & ENFORCEMENT

Penalties and Licence

26. In addition to any other remedies available to the Commission in respect of a contravention of an Order of the Commission, the Natural Products Marketing (B.C.) Act, R.S.B.C. 1996, c.330, the British Columbia Hog Marketing Scheme, B.C. Reg. 109/80, or other applicable legislation and regulations, the Commission may suspend or cancel the licence held by a Person determined by the Commission to be in contravention.
27. Where a licence has been suspended for a definite period for a contravention and that contravention has not been rectified within the period of suspension and the contravention continues, the Commission may forthwith cancel the licence.

PART VII - QUALITY STANDARDS

28. The Commission may establish quality standards and assign a designated mark or logo, for use by Commercial Producers, Processors and Vendors that identifies the regulated product meeting the prescribed standards.
29. The Commission may impose an annual or periodic fee for the use of its mark or logo and require users to report so that the Commission may confirm quality standard compliance.
30. Only the regulated product meeting the prescribed standards and only Commercial Producers, Processors and Vendors who are so authorized may use the Commission's quality mark or logo.

PART VIII - MISCELLANEOUS

Revocation and Transition

31. This Consolidated Order supersedes and replaces all Orders made by the Commission prior to the effective date hereof and all such prior Orders are hereby revoked, but such revocation shall not affect any contraventions committed or any penalties incurred under the Orders so revoked.

Effective Date

32. This Consolidated Order comes into effect on the 17th day of April, 2019.

DATED AT ABBOTSFORD, BRITISH COLUMBIA, THIS 17th DAY of April, 2019.

BRITISH COLUMBIA HOG MARKETING COMMISSION

Schedule 1. - Licence and Registration Fees

Every application for a license must be made to the Commission in the required form with the required license fee, as follows:

- Commercial Producer License: \$ 100.00 per Production Year
- Processor License: \$25.00 per Production Year
- Vendor License: \$25.00 per Production Year
- Transporter License: \$25.00 per Production Year

Schedule 2. - Levies

Levies are fixed and imposed upon each Producer as follows:

- \$1.00 per Market Hog;
- \$1.00 per Boar or Sow; and
- \$0.50 per Round or Suckling Hog

Schedule 3. - Quality Standards