



# Inspection and Enforcement Policy

## **INTRODUCTION:**

EFO operates under the powers and authority granted to it under the *Ontario Farm Products Marketing Act* [FPMA] and the regulations established under this Act. The purpose of the Act is to provide for the control and regulation of producing and marketing farm products. Egg production rules and enforcement of these rules must conform to the requirements of the Act.

## **PRINCIPLES:**

In Ontario, anyone may keep up to 100 laying hens [or up to 500 laying hens under the Grandfather Flock Policy] for egg laying purposes without a licence and a quota. Anyone raising more than 100 laying hens for egg laying purposes must hold a valid quota and is not permitted to keep more laying hens than their quota allows.

## **COMPLIANCE:**

All eggs sold in Ontario must be graded by an approved egg grading station. Farmers are allowed to sell ungraded eggs at the farm where they are produced directly to customers for their own personal consumption. All other eggs must go through the proper grading and packaging process.

Farmers are required to remit appropriate licence, levies and marketing fees to EFO on all eggs sold.

## **GENERAL AUTHORITY UNDER THE ONTARIO FARM PRODUCTS MARKETING ACT ALLOW FOR:**

- The inspection of facilities producing a regulated farm product
- The investigation of both quota-holding and non-quota holding producers when there is reasonable grounds to suggest they are producing a regulated commodity in violation of marketing board rules, and
- Enforcing the rules by taking various actions against producers who are operating in violation of those rules.

## **DUTIES & AUTHORITY OF EFO INSPECTORS:**

- Inspection of production facilities (lands and barns/egg laying facilities)
- Inspection of egg grading facilities
- Inspection of vehicles carrying eggs or fowl
- Inspection of premises selling eggs or fowl
- Inspection of documents and records
- Counting of birds and eggs
- Obtaining samples relevant to the production and marketing of eggs
- Investigations, when there are reasonable grounds to believe that an offence under the Act or regulations has been committed. Under an investigation, Inspectors have the authority to:
  - Search egg production facilities for evidence of violations of the rules;
  - Search egg grading stations for evidence of violations of the rules;
  - Search vehicles for evidence of violations of the rules;
  - Seize evidence including birds, eggs and documentation.

EFO Inspectors have the authority under the Act to inspect any facility where they believe non-quota birds are being housed or where eggs are being illegally sold. If obstructed from conducting their inspection duties, an Inspector may obtain a search warrant.



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## **INSPECTION AND ENFORCEMENT POLICY CONTINUED**

### **RESPONSIBILITIES AND OBLIGATIONS OF EGG FARMERS:**

- Permit inspection of land, premises and regulated products by EFO Inspectors.
- Permit measurements of lands or premises where laying hens are possessed.
- Permit Inspectors to count fowl and/or pullets and/or eggs.
- When requested by an Inspector, to produce all records and documentation with respect to laying hens and/or eggs.
- Remit all applicable reporting forms and marketing fees, licence fees and levies.

### **RESPONSIBILITIES AND OBLIGATIONS OF EFO:**

- Conduct all inspections as considered necessary for compliance purposes.
- Inspectors conduct full investigations of those found to be in violation of EFO rules and report those findings to EFO's Board of Directors for action.
- To provide notice to those who, on inspection, are found to be in violation of EFO rules. Such notification includes:
  - the specific offences found at the time of inspection;
  - the corrective actions and recourse available to the offender;
  - the penalties that may be applied for the offence(s).
- Conduct Hearings where contraventions of regulations or policies are alleged or where special consideration is requested. Decisions arising from an EFO Board Hearing may be appealed to the [Ontario] Farm Products Appeal Tribunal.

Those found to be operating outside EFO's quota and licence system (non-quota holders) are subject to prosecution under the Farm Products Marketing Act.

### **ACTIONS THAT MAY BE APPLIED TO THOSE IN VIOLATION OF EFO RULES UNDER THE ONTARIO FARM PRODUCTS MARKETING ACT, COMMODITY BOARD & MARKETING AGENCIES ACT & LIVESTOCK AND LIVESTOCK PRODUCTS ACT:**

- Quota-holding farmers can be called for a Hearing before EFO's Board of Directors.
- Orders can be issued by EFO's Board of Directors, instructing the offender to take corrective action.
- EFO can seize birds, hatching eggs or table eggs at the time of inspection or investigation, or subsequent to that, where there are reasonable grounds to believe an offence has occurred.
- EFO can detain or dispose of seized birds or eggs and deduct monies owed from any proceeds.
- Monetary penalties may be applied
- Quota can be cancelled, reduced or a transfer can be refused.
- Charges under the Farm Products Marketing Act can be laid with fines on conviction of up to \$2,000 per day for a first offender and up to \$10,000 a day for a second offender.
- Civil action against the offender can be taken

**Important Note:** This information sheet has been produced for general information purposes only. For comprehensive information on regulatory and legal authority and procedures, readers must refer to the Farm Products Marketing Act (Ontario), Commodity Boards & Marketing Agencies Act; Livestock and Livestock Products Act; and Egg Farmers of Ontario Plan, Regulations, Policies and Procedures.