

## **GENERAL REGULATIONS 2-2022**

**Made under**

### **THE FARM PRODUCTS MARKETING ACT**

**by**

### **ONTARIO PROCESSING VEGETABLE GROWERS**

#### **INTERPRETATION**

- 1.1 These Regulations are subject to and are to be interpreted in accordance with the provisions of Regulation 440 as amended and made under the Farm Products Marketing Act.
- 1.2 In these Regulations:
- a. "Act" means the Farm Products Marketing Act;
  - b. "Buyer" means the processor with whom a producer has a contract to market vegetables;
  - c. "Crop Year" means a calendar year unless otherwise specified;
  - d. "OPVG" or the "Board" means Ontario Processing Vegetable Growers.
  - e. "Vegetables" means carrots and tomatoes
- 1.3 All filings with and payments or notices to OPVG shall be made at or to the OPVG office at 435 Consortium Court, London, Ontario N6E 2S8 or by email to [opvg@opvg.org](mailto:opvg@opvg.org)

#### **APPLICATION**

- 2.1 These Regulations provide for the control and regulation in any and all respects of the production and marketing, within Ontario, of carrots and tomatoes, including the prohibition of such producing and marketing in whole or in part.

#### **MARKET STRUCTURE AND INFORMATION**

- 3.1 Every buyer shall furnish to the Board such market information as is required to support industry growth and provide a transparent pricing structures for the vegetable purchased. Such information shall be submitted electronically at such times and in details according to Appendix A attached hereto.

## **GRADING**

- 4.1 Any grading of a vegetable must be conducted by a third party agreed upon by the producer and the buyer under terms of payment agreed to by both parties.
- 4.2 All matters related to the grading of tomatoes will be decided by the Ontario Processing Tomato Advisory Committee, to be comprised of one member from each tomato processor and an equal number of producer representatives.

## **LICENCES**

- 5.1 No person shall engage in the producing or marketing of vegetables except under the authority of the licence for that vegetable.
- 5.2 Every producer named on a document filed with the Board by a Buyer shall be deemed to be the holder of a licence to produce and market that vegetable in accordance with that contract, unless that producer has been notified by the Board to the contrary and/or is in default of payment of any licence fees owing to the Board.
- 5.3 A separate licence to produce and market each one of the vegetables as defined in paragraph 1.2.e. is required.

## **LICENCING OF PRODUCERS**

- 6.1 The form of a licence shall include the name, address and contact information of the producer; the quantity of the vegetable to be produced, the price to be paid for that vegetable and reports of actual data as set out in Schedule A attached.
- 6.2 Every Producer shall file with the Board, on or before the date stated in Appendix A in each Crop Year, in respect of each vegetable, either;
  - (i) a true copy of every contract entered into between the producer and any buyer or,
  - (ii) an application for Producer Licence in the form prescribed by the Board from time to time in accordance with section 4.1 above.

## **LICENCE FEES**

- 7.1 The fees payable for each licence will be due by the date for each crop as listed in Appendix B in each crop year.
- 7.3 Remittance of the fees may be completed through the buyer or the producer but are the sole responsibility of the producer.
- 7.4 The data required to calculate fees owing must be submitted along with the remittance amount in every case.
- 7.5 In every case the grower data used in licence calculation will remain confidential.

## **RECOVERY OF LICENCE FEES**

- 8.1 The Board may recover any licence fees or other monies or interest payable to the Board by suit in a court of competent jurisdiction.

## **INTEREST ON ARREARS**

- 9.1 The Board may charge interest at a rate of 15% per annum on any unpaid licence fees upon the expiry of the deadline date for payment of any such licence fees.
- 9.2 Every person liable to pay licence fees to the Board shall pay the Board forthwith on demand any interest charged by the Board under paragraph 9.1

## **PRODUCER PROCESSORS**

- 10.1 Any person who produces and processes vegetables shall furnish to the Board statements of the amount of vegetables that the person produced in any year and used for processing.

## **PRODUCER REGISTRATION**

- 11.1 Every producer of a vegetable must register with the Board in every production year for the purpose of industry governance and voting.

## **APPEALS**

- 12.1 Any party aggrieved by any order, direction, decision, policy or regulation, including any Order issued by the Board may appeal the matter to the Agriculture, Food and Rural Affairs Appeal Tribunal.

## **REVOCATION**

- 13.1 This regulation replaces all General Regulations previously in force and together with Regulation 1-2022 provides the complete General Regulations for the OPVG under the Act.

## **EFFECTIVE DATE**

- 14.1 These Regulations come into effect upon approval of the Farm Products Marketing Commission.

**ONTARIO PROCESSING VEGETABLE GROWERS**

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Dave Hope (signed)

**CHAIR**

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Keith Robbins (signed)

**SECRETARY**

**DATED** at London, Ontario this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

# REGULATION 2- 2022 APPENDIX A

## For Tomatoes:

<b>Due Date</b>	<b>Required Data</b>
May 15	Grower name, address, email, phone number Chosen tomato grading option Intended acres Base tons Contracted tons Transplants ordered Target yield
June 15	Pricing information to satisfy requirements of crop insurance programs
Nov 15	Grower name, address, email, phone number Transfers to and from other processors Transplants placed Percentage allocation in each category – paste, juice, whole pack, bulk, etc Summary of cases produced in each category Measured acres used in yield calculation Gross harvested tons Net harvested tons Gross returns to grower Licence Fees

**For Carrots**

<b>Due Date</b>	<b>Required Data</b>
May 15	Grower name, address, email, phone number Chosen carrot option (dicer / slicer) Base tons Contracted tons
Dec 15	Grower name, address, email, phone number Chosen carrot option (dicer / slicer) Gross harvested tons Crowning premium Late delivery charge Storage charges Gross returns to grower Licence fees

## REGULATION 2-2022 APPENDIX B LICENCE FEES 2021

Commodity	Admin.	Acreage Measurement/ Monitoring	Grading	Spray Hub Program	Sub-Total	HST	Total Deduction Per Net Ton	Due Date mm/dd
Tomatoes	\$0.87	\$0.05	\$0.37	\$0.07	\$1.36	\$0.18	\$1.54	11/15
Carrots - Slicers	\$1.33	\$0.00	\$0.00	\$0.00	\$1.33	\$0.17	\$1.50	12/15
- Dicers	\$1.07	\$0.00	\$0.00	\$0.00	\$1.07	\$0.14	\$1.21	12/15