



December 23, 2014

File: 44200-20 AI

DELIVERED BY EMAIL

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Dear Colleagues:

AVIAN INFLUENZA AND USE OF CONTINGENCY FUNDS

Given the recent outbreak of high pathogenic avian influenza in the Fraser Valley, and in response to questions, I would like to provide some assistance by confirming that your boards and commission do have some discretion here with respect to the use of contingency funds. The BC Farm Industry Review Board (BCFIRB) understands and supports the boards and commissions in planning to return the poultry sector to orderly marketing as quickly as possible in this very challenging time.

BCFIRB Position

Under s. 11(1)(o) of the *Natural Products Marketing (BC) Act (NPMA)* boards and commissions have the authority to:

11(1) (o) to set and collect levies or charges from designated persons engaged in the production or marketing of the whole or part of a regulated product ... and to use those levies or charges and other money and licence fees received by the marketing board or commission

(i) to carry out the purposes of the scheme,

...

(v) to set aside reserves for the purposes referred to in this paragraph;

British Columbia
Farm Industry Review Board

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Boards and commissions can exercise their authority to assist with a return to orderly marketing on the basis of the same principles outlined in BCFIRB's letter of August 1, 2014 concerning animal welfare. This would extend to the use of contingency funds (i.e., in support of orderly marketing for the purposes of your schemes) as contemplated in BCFIRB's August 14, 2014 decision concerning poultry insurance:

At this stage BCFIRB believes existing tools – board authority over licensing and production including authority to require cleaning and disinfecting – would go a long way to providing a framework for a timely return to orderly marketing in the event of an avian influenza outbreak.

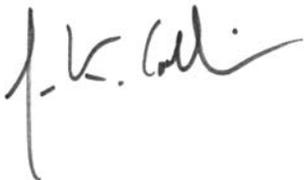
Please be mindful that there remains a serious legal question whether producer compensation that is not directly related to the restoration of orderly production and marketing would fall within the purposes of the scheme.

Expectations

It would be expected that any use of contingency funds in relation the current avian influenza outbreak will be done on the basis of the SAFETI¹ principles, including within the scope of current legislation and regulations.

All the best to you, your boards and your sectors during this very challenging time. If your boards have any questions, please feel free to contact BCFIRB.

Yours truly,



Jim Collins
Executive Director

cc: BCFIRB web site

¹ Strategic – Accountable – Fair – Effective – Transparent – Inclusive