



BC Farm Industry Review Board

March 17, 2021

File: 0120-0140\APMA

DELIVERED BY EMAIL

Debbie Etsell
Chair
BC Vegetable Marketing Commission

Dear Ms. Etsell,

AMENDED VEGETABLE ORDER UNDER THE AGRICULTURAL PRODUCTS MARKETING ACT

On December 4, 2021 the federal Privy Council amended the British Columbia Vegetable Order, under the *Agricultural Products Marketing Act (APMA)*.

The amendments allow for the BC Vegetable Marketing Commission (Commission) to "...regulate the marketing of vegetables in interprovincial and export trade and, for that purpose, with respect to persons and property situated within British Columbia, exercise all or any powers like the powers exercisable by them in relation to the marketing of vegetables locally within that province under the Act."

The amendments mean the Commission can, among other matters, exercise its provincial authority under the BC Vegetable Scheme to set and enforce levies and minimum price on vegetables sold in interprovincial and export trade without the previously required 90 day federal public comment period (Gazetting).

While Gazetting is no longer required, the Commission, under the BC Vegetable Marketing Scheme, and BCFIRB, as the supervisory body under the *Natural Products Marketing (BC) Act*, remain accountable for ensuring the Vegetable Order authorities are exercised within the scope of federal and provincial legislation authorities and any decisions reflect sound marketing policy.

Federal Accountability

Farm Products Council of Canada (FPCC) staff will be contacting the Commission and BCFIRB in 2021 to develop an oversight program. I understand the program purpose is to keep FPCC informed as to how the Vegetable Order is used. In turn, FPCC will report to Agriculture and Agri-Food Canada.

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BCFIRB Supervisory Expectations

Prior to the Commission enforcing its delegated interprovincial and export trade pricing and levy authorities, BCFIRB expects the Commission to:

1. Fulfill, if it has not already done so, BCFIRB's February 28, 2019 appeal direction¹ ordering the Commission "...to review its minimum pricing policy documentation to ensure that it is properly documented and integrated as appropriate with its General Orders".
2. Ensure its interprovincial and export trade pricing policy and rules are properly documented and integrated as appropriate with its General Orders.

Please provide a copy of the Commission's provincial, interprovincial and export pricing policies and rules by May 7, 2021.

Overall, BCFIRB continues to expect the Commission to:

- consider SAFETI² in its processes and decisions; and,
- forward copies of all minutes, orders, reports, rules and regulations to BCFIRB as they are made or amended as per the Natural Products Marketing (BC) Act Regulations s. 3(a).

If you have any questions, please feel free to contact myself or Kirsten Pedersen, Executive Director.

Regards,



Peter Donkers
Chair

Cc: BCFIRB web site

¹ 2019 February 28. BCFIRB. [In the Matter of the Natural Products Marketing \(BC\) Act and Appeals from Compliance Orders of the British Columbia Vegetable Marketing Commission.](#)

² Strategic Accountable Fair Effective Transparent Inclusive