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Admin Penalties

**DELIVERED BY EMAIL**

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Dear Colleagues:

**ADMINISTRATIVE PENALTIES AND THE *NATURAL PRODUCTS MARKETING (BC) ACT***

This letter is to follow up on our discussion at the October 19, 2015 BC Farm Industry Review Board (BCFIRB)/marketing boards and commissions executive staff meeting.

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**British Columbia  
Farm Industry Review Board**

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My May 12<sup>1</sup> and June 30, 2015<sup>2</sup> correspondence reviewed the new provisions in the *Natural Products Marketing (BC) Act (NPMA)*. Two of the new provisions – sections 16.2 and 16.3 of the *NPMA* – will provide boards and commissions with the authority to develop policies and procedures to impose administrative penalties for the failure to comply with the requirement of a biosecurity program. These sections do not come into force until a Cabinet regulation is passed. Initial indication is that the Minister of Agriculture prefers to see at least some details of the proposed administrative policies and procedures before making a recommendation that such a regulation be considered.

As well, section 16.2 requires that these policies and procedures and the manner of notice in imposing an administrative penalty be approved by BCFIRB.

Given the above, this is an opportunity for a joint, cooperative effort between the boards and commissions, BCFIRB and the Ministry of Agriculture to effectively and strategically establish appropriate and transparent administrative penalty policies and procedures in support of orderly marketing.

The project requires a SAFETI<sup>3</sup>-based work plan and a realistic timetable that takes into account any identified priorities. It needs to include a provision for appropriate consultation with stakeholders, approval by the boards and commissions as applicable, approval by BCFIRB, and the provision of information to the ministry that it may require in support of bringing these sections of the *NPMA* into force.

There are a number of specific items to look at. First, we must identify:

- a. current programs where administrative penalties may apply (e.g., biosecurity programs for disease management, food safety, animal welfare);
- b. enforcement mechanisms currently in place (boards and commissions retain authority to suspend or cancel licenses) and what background information might be available (e.g., the January 30, 2007 Serecon Report regarding approaches to enforcing compliance in the poultry sector);
- c. new areas for which administrative penalties might apply and/or where administrative penalties can be used to replace or complement existing processes;
- d. where there can be consistency between sectors and where there cannot; and,
- e. priorities (e.g., poultry sector in support of biosecurity measures).

It remains a priority of government and BCFIRB to conclude the current review of mandatory insurance in the poultry sector as soon as appropriately possible. Although we do not want to take away from that priority, an effective administrative penalties regime may also assist in bolstering overall biosecurity measures in that sector.

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<sup>1</sup> BC Farm Industry Review Board. May 12, 2015. [Amendments to the Natural Products Marketing \(BC\) Act, Poultry Disease Insurance and August 14, 2014 Supervisory Decision](#).

<sup>2</sup> BC Farm Industry Review Board. June 30, 2015. [Amendments to the Natural Products Marketing \(BC\) Act](#).

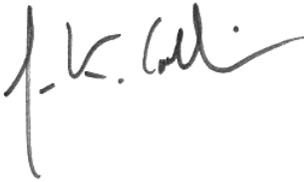
<sup>3</sup> Strategic. Accountable, Fair, Effective, Transparent, Inclusive.

Currently there are more questions than answers and I am suggesting we establish a small group to work with all boards and commissions in helping to facilitate this process. Beth Sobieszczyk, BCFIRB Issues Management Analyst ([Beth.Sobieszczyk@gov.bc.ca](mailto:Beth.Sobieszczyk@gov.bc.ca), tel: 250-387-3942), is assigned to support this project.

Please contact Beth at your earliest convenience with any questions, comments or suggestions you may have about the foregoing, including whether a representative of your board is willing to serve on the proposed working group.

An administrative penalties regime represents a new opportunity and responsibility for marketing boards and commissions to demonstrate that they are maintaining effective and enforceable measures in support of the safety of their regulated natural products. We look forward to working with you on this important project

Yours truly,

A handwritten signature in black ink, appearing to read "J. K. Collins". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jim Collins  
Executive Director

cc: Alana Standish, Director  
Corporate Governance, Policy and Legislation Branch  
Ministry of Agriculture

BCFIRB website