



---

## BC Farm Industry Review Board

February 17, 2022

File: 0302\Inquiries &  
Responses

### DELIVERED BY EMAIL

Ken Falk  
President  
Fraser Valley Specialty Poultry

Dear Mr. Falk:

### ADMINISTRATIVE MONETARY PENALTIES INQUIRY

Thank you for your January 19, 2022, letter about your concerns regarding Administrative Monetary Penalties (AMPs) and their use and application by BC's agricultural commodity boards. I understand the challenges you have faced in the past and appreciate how difficult they were for you. This letter sets out key background and information that I sincerely hope will help to alleviate your concerns.

### BACKGROUND

In response to the 2004 Avian Influenza crisis, BC's poultry boards developed biosecurity standards. At the time, Serecon AFC Agra Services (Serecon) was engaged to analyze compliance and enforcement options for these standards. Serecon concluded that a system of financial penalties "based on time out of compliance and the number of times warned" would be effective.

In May 2015, Cabinet amended the *Natural Products Marketing (BC) Act (NPMA)*, giving marketing boards and commissions (commodity boards) authority to make biosecurity programs mandatory, and provided associated legal authority for the development and implementation of AMPs. In October 2019, the Province brought the legislation authorizing AMPs into force as a biosecurity program enforcement tool.

### ADMINISTRATIVE MONETARY PENALTIES

AMPs enable commodity boards to take a graduated approach to enforce mandatory biosecurity programs. For example, rather than suspending or cancelling a producer's licence or quota for a minor or middle-ground infraction, commodity boards can use AMPs to encourage behaviour change and compliance without undue business impact.

Penalties collected are paid to provincial government general revenue. The maximum administrative penalty established in the legislation is \$10,000.

---

**Web:**

Email: [firb@gov.bc.ca](mailto:firb@gov.bc.ca)

Website: [www.gov.bc.ca/BCFarmIndustryReviewBoard](http://www.gov.bc.ca/BCFarmIndustryReviewBoard)

**Phone:**

Info: 250 356-8945

Fax: 250 356-5131

**Mail:**

PO Box 9129 Stn Prov Govt  
Victoria BC V8W 9B5

**Office:**

2975 Jutland Rd  
Victoria, BC V8T 5J9

Producers must follow mandatory biosecurity program rules for biosecurity risks to be effectively managed. Even minor violations can put individual producers, entire industries and public health and food security at risk.

In order to prevent the types of concerns raised in your letter, there are several measures in place through the legislation to mitigate the risk of AMPs being applied inappropriately, or unfairly, by commodity boards.

First, BCFIRB's "Administrative Penalties Framework for Commodity Boards" (attached) sets out how commodity boards are to develop and apply AMPs policies and procedures in a manner that fully accords with all legislative requirements set out in the *NPMA* and procedural fairness.

Second, under the *NPMA*, BCFIRB must prior approve all commodity board AMPs policies and procedures before they are used.

Third, any person who disagrees with a commodity board decision to apply an AMP in a specific situation has the right of appeal to BCFIRB within 30 days of the commodity board decision.

Fourth, any person who disagrees with a BCFIRB decision on a question of law or jurisdiction can file a petition with the Supreme Court of British Columbia.

Thanks again for sharing your concerns with BCFIRB.

Regards,

A handwritten signature in black ink, appearing to read "Peter Donkers". The signature is stylized with a large initial "P" and a long, sweeping underline.

Peter Donkers  
Chair

Attachment: Administrative Penalty Framework for Commodity Boards

cc: BCFIRB website