



April 12, 2016

File: 44200-60/CKN OA

**DELIVERED BY EMAIL**

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Chicken Farmers of Canada  
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Dear Sirs:

**SUPERVISORY REVIEW OF PROPOSED AMENDMENTS TO THE FEDERAL-PROVINCIAL AGREEMENT FOR CHICKEN – SCHEDULE “B” OPERATING AGREEMENT**

**STEP 3: PROCESS UPDATE**

In its February 9, 2016 letter<sup>1</sup>, the BC Farm Industry Review Board (BCFIRB) set out the schedule and process by which BCFIRB will review the BC Chicken Marketing Board (Chicken Board) request for approval to sign the amended Schedule “B” Operating Agreement (Operating Agreement). BCFIRB, as the B.C. supervisory agency and a supervisory signatory to the Operating Agreement must also make its own, independent determination as to whether it will approve the amendments. Under the *Natural Products Marketing (BC) Act*, BCFIRB must find that the proposed amendments are in accord with the British Columbia Chicken Marketing Scheme, 1961, with “sound marketing policy” and comply with governing legislation, regulations and agreements.

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<sup>1</sup> 2016, Feb 9. BCFIRB. [Supervisory Review of the Proposed Amendments to the Federal-Provincial Agreement for Chicken – Schedule “B” Operating Agreement Step 2: Process Schedule and Initial Questions.](#)

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**British Columbia  
Farm Industry Review Board**

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Based on the schedule and process, BCFIRB was to confirm by April 12, 2016 whether further written submissions are needed and/or confirm if an oral hearing is required to address any outstanding issues.

The BCFIRB panel (Chair John Les, Members Daphne Stancil and Chris Wendell) has met to discuss the submissions to date. The following direction is provided at their instruction.

## Process

1. The panel has determined that no oral hearing is required.
2. The panel has determined that it will require further written submissions, now due **April 27, 2016**.
3. These submissions must include further submissions addressing the following issue through a demonstrated, substantiated SAFETI analysis:

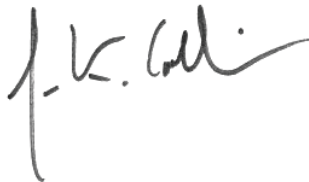
*Is a differentiated regional growth mechanism required in the proposed Operating Agreement in order to address concerns raised by the Primary Poultry Processors Association of BC (PPPABC) that the proposed Operating Agreement, including the Chicken Farmers of Canada (CFC) decision-making structure, leaves them at a competitive disadvantage?*

The panel acknowledges the position that the BC Chicken Marketing Board (Chicken Board) and CFC have taken with regard to their jurisdiction on issues arising from the Trans Pacific Partnership (TPP) and the administration of tariff rate quota (TRQ). However, the panel does not accept the suggestion that these regulatory bodies can properly make determinations regarding domestic allocation in isolation from current and future ramifications of TRQ (and other imports) on the Canadian industry. The panel also notes that the existing Operating Agreement does include the level of import permits as a consideration in determining domestic allocation (i.e., in reviewing regional ranges). The panel remains of the view that a substantiated answer to the potential ramifications of TRQ (and other imports), as well as the initial questions outlined in BCFIRB's February 9, 2016 letter, is critical to a proper SAFETI analysis of the question above.

4. Given the contentious nature of this matter, the panel's preference is for the Chicken Board, PPPABC and CFC to provide written submissions that are supported by affidavits **by Wednesday, April 27, 2016**.
5. Any other interested person may also provide final written submissions and any supporting affidavits to the panel **by April 27, 2016**. By way of this letter the Chicken Board is directed to ensure that this letter is brought to the attention of all stakeholders in the BC chicken sector, including hatcheries and hatching egg producers, **by Monday, April 18, 2016**.

6. The Chicken Board, PPPABC and CFC have until **Wednesday, May 4, 2016** to provide a final response to the April 27, 2016 submissions.
7. The BCFIRB panel reserves the right to raise follow up questions subsequent to receipt of all submissions received and/or determine if further process is required.

Yours truly,



Jim Collins  
Executive Director

cc: John J.L. Hunter, QC  
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Laurent Pellerin, Chair  
Farm Products Council of Canada

James Mack, Assistant Deputy Minister  
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Casey Langbroek, Chair  
BC Broiler Hatching Egg Commission

Ravi Bathe, President  
BC Chicken Growers' Association

National Association of Agri-Food Supervisory Agencies

BCFIRB web site