



BC Farm Industry Review Board

October 21, 2020

File: 44200-60\VEG

DELIVERED BY EMAIL

Debbie Etsell
Chair
BC Vegetable Marketing Commission

Dear Ms. Etsell

BC VEGETABLE MARKETING COMMISSION MORATORIUM ON NEW AGENCY AND PRODUCER-SHIPPER APPLICATIONS

The BC Vegetable Marketing Commission (Commission) is directed to lift its moratorium on new agency and producer-shipper applications as of today (October 21, 2020).

Background and Rationale

The Commission established a moratorium on new agency and producer-shipper applications on June 28, 2019 to allow it to complete two strategic projects: strategic planning and an agency accountability framework.

As part of the current supervisory review¹, the BC Farm Industry Review Board supervisory panel (panel) met with the Commission and a Working Group of the Commission seven times between October 2019 and September 2020. These meetings² included a discussion of the status and content of the Commission's work on an agency accountability framework and strategic planning. The panel also sought and received oral and written input directly from regulated vegetable sector members (20 plus consultation meetings and 9 written submissions) on what an agency accountability framework should include and how an agency accountability framework should be used. The consultation period closed on receipt of the Commission's submission on September 16, 2020.

¹ The supervisory review topics are: aspects of Commission structure, agency accountability policy and rules and storage crop delivery allocation rules. These topics were finalized in May 2020 after consultation with the Commission and regulated vegetable sector members.

² Meeting summaries are available on the BCFIRB website:
<https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/boards-commissions-tribunals/bc-farm-industry-review-board/regulated-marketing/supervisory-reviews/2019-2020-vegetable-supervisory-review>

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At a September 29, 2020 meeting in which the Commission Working Group spoke to the Commission's written submission, the Working Group agreed with the panel that lifting the moratorium is critical as it is not sound marketing policy to put business on hold indefinitely. The regulated vegetable sector as a whole must have certainty to start planning for the 2021/2022 crop year. This cycle begins for field crops at the end of autumn harvest which is fast approaching and for greenhouse production before the end of the calendar year.

Given the Commission's progress on its strategic planning and accountability framework projects and the input the panel received from the regulated vegetable sector, the panel is satisfied that the Commission is now in a position to effectively manage current and pending agency and/or producer-shipper applications although these projects are not fully completed. Given the direction and authority provided by the *Natural Products Marketing (BC) Act*³, the BC Vegetable Scheme⁴ the Commission's General Order (Part XIV, Procedures for Designation of Agencies), and the work the Commission has completed to date toward the development of an agency accountability framework, the panel is satisfied that there is an adequate basis for the Commission to begin its review and consideration of new agency applications.

The panel recognizes that the Commission may wish to enhance its agency application process to reflect some of the concerns identified in the supervisory review by the Commission and sector members. The panel is of the view the Commission's authority and General Orders provide a degree of flexibility. If the Commission is of the view that there are new criteria or process steps which could or should form part of the agency application process, it may wish to adopt a transitional policy until such time as the Commission determines if rule changes are required to finalize an agency accountability framework. That is a decision for the Commission to make.

The panel expects the Commission will move forward with identifying Commissioners to be assigned to panels to consider current applications no later than October 30, 2020.

All current and pending agency applicants should be made aware that the Commission may request additional information and /or adjust its process as required currently under Part XIV of its orders as it finalizes the agency accountability framework.

³ (RSBC 1996, c. 330)

⁴ (B.C. Reg. 96/80)

The panel continues its deliberations with respect to its supervisory review in order to release its decision as soon as practical, recognizing the importance of timeliness.

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Per:



Daphne Stancil,
Panel Chair



Tamara Leigh,
Member



Dennis Lapierre
Member