

April 16, 2020

File No.: 580206-2

Sent Via E-mailBritish Columbia Farm Industry Review Board
780 Blanshard Street
Victoria BC V8W 2H1

Attention: Kirsten Pedersen

Re: Price Linkage Supervisory Review

We write on behalf of the Primary Poultry Processors Association of British Columbia (the “**PPPABC**”) with respect to the process of the British Columbia Farm Industry Review Board’s (the “**BCFIRB**”) price linkage supervisory review.

The PPPABC is concerned about when and how it will receive an opportunity to meaningfully participate and be heard in the supervisory review. We appreciate that the challenging times during the COVID-19 pandemic require efficient and collaborative action. However, from before the pandemic, the processors have been paying for the uncertainty and delays in achieving a long-term pricing solution. Now, the challenging regulatory environment in British Columbia is compounded by the current market situation. Processors have been deemed an essential service and are being forced to absorb significant cost increases in a market that has completely collapsed.

As such, the PPPABC wants to ensure that it will have an opportunity to directly be involved in shaping the questions to be studied and then ultimately to provide its perspective on pricing issues to the BCFIRB supervisory panel. The PPPABC requests the following:

1. detailed minutes or a summary of meetings amongst the panel, the British Columbia Broiler Hatching Egg Commission (the “**Commission**”), and the British Columbia Chicken Marketing Board (the “**Chicken Board**”) during the supervisory review process;
2. an opportunity to provide submissions to the panel on the scope of the supervisory review and substantive submissions on the issues to be considered by the panel; and
3. an opportunity to respond to the information provided by Commission and the Chicken Board to the panel on pricing issues and other matters impacting the interests of the PPPABC.

The PPPABC reserves the ability to seek other procedural rights as the supervisory review progresses.

In a letter dated March 17, 2020, the panel noted the need for interim measures to promote greater pricing certainty pending resolution of the hatching egg linkage exit decision and a long-term live chicken pricing formula. The panel sought to schedule meetings with the Commission and the Chicken Board. The panel stated that the purpose of these meetings is to explore potential interim pricing measures, seek further information about the Commission's process and timeline for its exit submission, and obtain further information from the Chicken Board on establishing its long-term pricing formula. The panel did not provide a timeline on which it would meet with other stakeholders, including the PPPABC.

In a joint letter dated April 8, 2020, the Chicken Board and the Commission proposed a joint presentation to the supervisory panel on COVID-19 related issues affecting the British Columbia chicken sector and pricing issues. The Chicken Board and Commission suggested that the meeting be in the last week of April or the first week of May, so that the British Columbia chicken industry could focus on national allocation issues for period A-163.

On April 14, 2020, the panel responded to the joint letter and agreed to a meeting in the last week of April or the first week of May. The panel made it clear that it wants the meeting to focus on pricing stability. However, it appears that an agenda has yet to be finalized.

The PPPABC is concerned that there will be substantive discussion of pricing issues at the future meeting amongst the panel, the Chicken Board, and the Commission. If so, the PPPABC is entitled to present its case to the panel and have a proper opportunity to respond to the information provided by the Chicken Board and Commission with respect to interim pricing measures and other matters impacting the interests of PPPABC.

We appreciate that the supervisory review process may not have the same formalities and procedural steps as an appeal process given the nature and intent of BCFIRB's supervisory mandate. However, the PPPABC is still entitled to a high degree of procedural fairness in the supervisory review process. Any pricing decisions made by the panel will significantly impact the processors' businesses and ability to compete in the national chicken market. These impacts are heightened in the current market conditions caused by COVID-19. Further, as noted by the panel, the PPPABC has an appeal that was deferred pending the completion of the supervisory review process. The decision by the BCFIRB to defer the appeal was premised on the supervisory review addressing broader policy questions raised in the appeal. This only adds to the PPPABC's direct interest in the process and outcome of the supervisory review.

Yours truly,
Dentons Canada



Morgan L. Camley
Partner

MLC/