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## BC Farm Industry Review Board

January 27, 2021

File: 44200-60\BHEC CMB

### Delivered by email

Paul McLean  
Mathews Dinsdale  
Counsel, BC Chicken Growers' Association

Dear Mr. McLean:

### Re: CHICKEN SECTOR PRICING REVIEW AND PROCEDURAL FAIRNESS

Given the procedural fairness concerns raised in your January 19, 2021 letter addressed to Wendy Holm, the BC Farm Industry Review Board (BCFIRB) Liaison for the Chicken Sector Pricing Review, Ms. Holm has referred your letter to BCFIRB for further response.

As referred by Ms. Holm's January 22, 2021 response to Dale Krahn, President of the BC Chicken Growers' Association (BCCGA), the following addresses BCCGA's procedural fairness concerns and interpretation of BCFIRB's "cautions".

As I understand it, your client is specifically concerned the exclusion of their "independent experts" from participating in select Roundtables:

- is a denial of the BCCGA's right to procedural fairness;
- runs counter to the "...numerous cautions expressed by BCFIRB about the need for industry transparency in the review process and how blanket assertions of confidentiality by an industry stakeholder should no longer be accepted"; and,
- is eroding confidence that the Roundtable process will afford them a fair opportunity to make fulsome submissions.

Unlike an adversarial appeal process with a very specific process structure, a supervisory review enables BCFIRB and the first instance regulators to use a variety of processes, as determined appropriate and necessary, to collect information and develop sound marketing policy outcomes in consultation with stakeholders. As the BCFIRB supervisory panel has expressed several times in writing and in meetings, adversarial appeal processes where parties are restricted to arguing for their positions has repeatedly failed to result in an effective, strategic long-term pricing outcome for the supply chain.

The current BC Chicken Marketing Board (Chicken Board) and the BC Broiler Hatching Egg Commission (Commission) review processes (including the Roundtables) are

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based on the BCFIRB-approved Terms of Reference and is being supported by W. Holm as the BCFIRB Liaison. The Terms of Reference allows for processes, such as the Roundtables, to build a common understanding of BC's chicken supply chain between stakeholders. The Terms of Reference and BCFIRB correspondence also clearly place an onus on the Chicken Board and the Commission to collect all necessary evidence-based information from all parties in the first instance to inform their final recommendations to BCFIRB. And, in turn, that parties respond fully to these information requests.

If the BCCGA is concerned the Chicken Board is not receiving the information BCCGA thinks is needed for decision-making through the Roundtables, I recommend the BCCGA takes up this question directly with the Chicken Board. BCFIRB cannot judge for the Chicken Board what information the Chicken Board requires to reach its pricing recommendations, and whether or not it is being received. Once the Chicken Board and the Commission submit their final pricing recommendations to BCFIRB, BCFIRB will address any remaining procedural fairness concerns as the final decision-maker.

BCFIRB is very encouraged by the willing participation of all parties, including the BCCGA, in this new, collaborative-based approach to finding long-term pricing solutions. Undoubtedly there will be continuing competing tensions and interests, but with this review there is opportunity to turn these tensions towards creative solutions.

Regards,



Kirsten Pedersen  
Executive Director

cc: Dale Krahn, Chair, BC Chicken Growers' Association  
Harvey Sasaki, Chair, BC Chicken Marketing Board  
Jim Collins, Chair, BC Broiler Hatching Egg Commission  
Blair Shier, President, Primary Poultry Processors' Association of BC  
Ryan Whitmore, Chair, BC Egg Hatchery Association  
Bryan Brandsma, President, BC Hatching Egg Producers' Association  
Bill Vanderspek, Executive Director, BC Chicken Marketing Board  
Stephanie Nelson, Executive Director, BC Broiler Hatching Egg Commission  
Jennifer Curtis, Manager, BC Chicken Growers' Association  
Craig Evans, Executive Director, Primary Poultry Processors' Association of BC  
Ernie Silveri, Executive Director, BC Egg Hatchery Association  
Art Deruiter, Executive Director, BC Hatching Egg Producers' Association  
Wendy Holm, BCFIRB Liaison  
BCFIRB web site