



BC Farm Industry Review Board

December 11, 2023

File: 44200-60\BHEC CMB

DELIVERED BY EMAIL

Kevin Klippenstein
Chair
BC Chicken Marketing Board

Blair Shier
President
Primary Poultry Processors Association of BC

Dale Krahn
President
BC Chicken Growers Association

John Franck
President
BC Egg Hatchery Association

Angela Groothof
President
BC Broiler Hatching Egg Producers
Association

Bill Vanderspek
Chair
BC Broiler Hatching Egg Commission

Dear All:

BC CHICKEN MARKETING BOARD LONG-TERM CHICKEN PRICING RECOMMENDATION

On October 30, 2023, the British Columbia Farm Industry Review Board (BCFIRB) received the British Columbia Chicken Marketing Board's (Chicken Board) recommendation on a new long-term chicken pricing formula based on a cost or production model (the Recommendation).

By letter dated November 23, 2023, BCFIRB set out the process it intended to follow in exercising its supervisory authority pursuant to section 7.1 of the *Natural Products Marketing (BC) Act (NPMA)* to evaluate whether to approve the Recommendation, which included a written submission component.

On December 5, 2023, BCFIRB received an email from the Primary Poultry Processors Association of BC (PPPABC) inquiring as to the confidentiality protections in place, requesting that information in its submission be received confidentially by BCFIRB, and asking for in-person meetings for individual processors. PPPABC's request was not copied to hearing participants, as such a copy is attached to this letter.

From the outset, it has been understood that the Chicken Pricing Review is a public process where letters and documents have been posted on BCFIRB's website to

Web:

Email: firb@gov.bc.ca

Website: 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

Location:

2975 Jutland Rd
Victoria, BC V8T 5J9

ensure transparency, fairness and accountability. By letter dated July 13, 2020 to the BC Broiler Hatching Egg Commission and the Chicken Board, BCFIRB confirmed:

“Information identified by the parties as confidential or sensitive will be managed under BCFIRB’s [“Supervisory Rule on Protection of Privacy and Confidentiality in BCFIRB Supervisory Processes and Reviews”](#). The Review’s Project Leader will work with the boards, the parties and BCFIRB as necessary to ensure that sensitive information is protected, but that essential and appropriate information, critical to moving issues forward, is shared with parties.”

In response to PPPABC’s queries regarding confidentiality protections, consistent with its supervisory practice directive, and given that BCFIRB is conducting a public hearing, section 61 of the *Administrative Tribunals Act* provides that the *Freedom of Information (Protection of Privacy Act)* has no application and requests to BCFIRB for disclosure are addressed through BCFIRB’s internal processes. Where BCFIRB determines it is appropriate to do so, it can receive information in confidence and any information so received is not subject to *FOIPPA* and not otherwise disclosable.

Turning to PPPABC’s specific inquiry, it wishes for certain documents or information in its submission be treated as confidential, it will need to make an application to BCFIRB:

- a) identifying the documents or portions of documents that should not be disclosed, and the reasons for that position;
- b) summarizing the basis upon which the withholding request is being made (without disclosing the information in question);
- c) confirming whether any of the documents or portions of documents in its withholding request were provided to the Chicken Board and providing an explanation as to why or why not; and,
- d) copying the participants identified in this letter.

Any application for non-disclosure from the PPPABC must be received via email to firb@gov.bc.ca no later than 5pm PST on **December 15, 2023**.

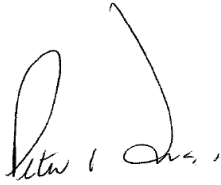
All responses to the PPPABC application must be received via email to firb@gov.bc.ca no later than 5pm PST on **December 21, 2023**.

PPPABC has a right to reply which must be received via email to firb@gov.bc.ca no later than 5pm PST on **January 5, 2023**.

I note that the deadline for making submissions in response to the November 23, 2023 process letter is currently December 22, 2023, with a right of reply for the Chicken Board by January 12, 2024.

In light of this potential application, these deadlines will need to be extended until such time as the panel makes its decision on PPPABC’s non-disclosure application and makes any necessary procedural orders to accommodate confidentiality concerns. The panel will provide a revised submission schedule at that time.

Yours truly,

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

Peter Donkers
Chair
BC Farm Industry Review Board

Cc: Woody Siemens, Executive Director, BC Chicken Marketing Board
Stephanie Nelson, Executive Director, BC Broiler Hatching Egg Commission
BC Chicken Growers' Association
Craig Evans, Executive Director, Primary Poultry Processors' Association of BC
Ernie Silveri, Executive Director, BC Egg Hatchery Association BCFIRB website

Attachments:

December 5, 2023, Email from Craig Evans