



BC Farm Industry Review Board

April 24, 2023

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DELIVERED BY EMAIL

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Derek Sturko
Chair
BC Vegetable Marketing Commission
207 – 15252 32nd Ave
Surrey, BC, Canada V3Z 0R7

Dear Ms. Camley and Mr. Sturko:

MPL BRITISH COLUMBIA DISTRIBUTORS INC. (MPL BC) AGENCY PRIOR APPROVAL PROCESS – ELIGIBLE PARTICIPANTS APPLICATION

Pursuant to the March 8, 2023, Final Terms of Reference, the BC Farm Industry Review Board (BCFIRB) is to confirm eligible participants for the supervisory hearing at the conclusion of the written submission process.

BCFIRB received the BC Vegetable Marketing Commission (Commission) and MPL BC final replies on April 14 and 18, 2023, thus concluding the pre-hearing written submission process on BCFIRB's questions.

BCFIRB also confirms the following participants filed documents with BCFIRB by the April 21, 2023, deadline:

- Commission on March 16, 2023, and April 10, 2023;
- MPL BC on April 21, 2023; and
- Greenhouse Grown Foods Inc./Windset Farms (Canada) Ltd (GGFI and Windset) on April 21, 2023.

I confirm that the Commission, as first instance regulator, and MPL BC, as the agency applicant, are granted full participatory rights in the in-person supervisory hearing. GGFI and Windset are also granted full participatory rights to call witnesses and question those participants adverse in interest.

Web:

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2975 Jutland Rd
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BCFIRB is inviting eligible participants to submit a written application to participate in the in-person supervisory hearing on May 23, 24 and 26, 2023.

BCFIRB's goal remains to collect the information it needs to make a sound marketing policy determination in the public interest. As previously set out in BCFIRB's March 8, 2023 letter, this in-person supervisory hearing is:

...an opportunity to address earlier process concerns raised by some participants that the Commission did not hold an oral hearing before issuing its decision on MPL BC's agency designation. In addition to addressing process concerns, the prior approval process is an opportunity for participants to provide their supported rationale for why BCFIRB should (or should not) grant MPL BC an agency designation as a matter of sound marketing policy.

Eligible participants

Based on the Final Terms of Reference, the following are all the other eligible participants who can apply to participate in the in-person supervisory review hearing:

- Agencies licensed to market BC regulated greenhouse vegetables
- Producer-shippers licensed to produce and market BC regulated greenhouse vegetables
- Wholesalers licensed to market BC regulated greenhouse vegetables, only if providing new or additional information not provided by a licensed agency or MPL BC.
- Processors licensed to process regulated greenhouse vegetables.
- Producers licensed to produce BC regulated greenhouse vegetables, only if providing new or additional information not provided by a licensed agency or MPL BC. (collectively, "eligible participants")

Participation Applications

Applicants should include the following information:

1. Preferred form of participation (options below) with reasons:
 - a) Full participatory rights, including opening and closing statements, providing witness and documentary evidence, and conducting questioning; OR
 - b) Brief oral submission (maximum of five minutes) followed by questioning as permitted by BCFIRB; OR
 - c) Written submission (10 page maximum excluding appendices, double spaced, 12 point font and **submitted no later than 5 PM on May 8, 2023**).
2. A summary of the relevant information is to be provided. To be considered by BCFIRB, the information must be new and not previously provided to the Commission as part of its agency designation application process.

BCFIRB will issue a process decision confirming supervisory hearing participants, the form of participation (including time limits and questioning rights), and address any other hearing-related matters which may arise.

Please send your applications to Wanda Gorsuch, Manager Issues & Planning at Wanda.Gorsuch@gov.bc.ca, cc firb@gov.bc.ca by **May 1, 2023**.

Regards,



Pawan Joshi
Panel Chair

cc: Robert Hrabinsky, Legal Counsel, BC Vegetable Marketing Commission
Craig Ferris, K.C., Legal Counsel, Greenhouse Grown/Windset
Agency Applicants and Storage crop Agency Managers
Greenhouse Agency Managers
Storage crop/Greenhouse Managers
Storage crop Producers
Greenhouse Producers
Processing Producers
Wholesalers
Processors
BCFIRB web site