



BC Farm Industry Review Board

April 27, 2023

File: 44200-35\MPL

DELIVERED BY EMAIL

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Dear Sirs and Mesdames:

MPL BRITISH COLUMBIA DISTRIBUTORS INC. (MPL BC) AGENCY PRIOR APPROVAL PROCESS – RE HRABINSKY AND FERRIS CORRESPONDENCE

I write further to Mr. Hrabinsky's letter of April 23, 2023, and Mr. Ferris's subsequent email objecting to the letter as an improper submission.

It is not necessary to determine the merits of Mr. Ferris' objection, as these matters were in my view fully addressed in the BC Farm Industry Review Board's (BCFIRB) letter of April 21, 2023. Specifically, I refer to the confirmation that BCFIRB is required to reach its own conclusions under the Terms of Reference, and as such it will not be bound by the Commission's decision or the record before it. In addition, BCFIRB clarified that at the oral supervisory hearing, where BCFIRB will hear evidence, the Commission should be prepared to demonstrate that it followed a SAFETI¹-based process, reached a sound marketing policy-based recommendation, and to explain its process for evaluating new agency applications. It is therefore properly understood as a *de novo* process that will cure any procedural defects before the Commission.

¹ Strategic, Accountable, Fair, Effective, Transparent, Inclusive

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The April 21, 2023 letter also confirmed that it is for the Commission to determine how it will fulfill its responsibilities under the Terms of Reference. In doing so, BCFIRB does not expect the Commission to put forward the “idiosyncratic perspective” of any specific individual, but rather the institutional perspective of the Commission. If it is of the view that Chair Etsell can assist in that regard, then she can be called as a witness. As the supervisory hearing is set for May 23, 24 and 26, 2023 her earliest attendance is preferable so that other participants can respond to the Commission’s evidence in their presentations.

Regards,



Pawan Joshi
Panel Chair

cc: Derek Sturko, Chair, BC Vegetable Marketing Commission
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