

October 18, 2023

**File No.: 8006-031**

**VIA EMAIL: [Justine.Lafontaine@gov.bc.ca](mailto:Justine.Lafontaine@gov.bc.ca)**

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Dear Ms. Lafontaine:

**Re: MPL Prior Approval Process**

I am writing further to Ms. Camley's letter dated October 17, 2023 and Mr. Ferris' letter dated October 18, 2023.

The Commission respectfully submits that further clarification of the decision is required, particularly in light of the competing interpretations described in the above-referenced letters.

At paragraph 79, the BCFIRB states:

79. BCFIRB approves the designation of MPL BC as a designated agency as per the Natural Products Marketing (BC) Act Regulations section 8 for a probationary period, that being the 2024-2025 growing season.

Then, at paragraphs 83 and 84, the BCFIRB states:

83. This is in addition to, and does not supplant, the Vegetable Commission conducting a review of MPL BC's agency license in accordance with section 3 of Part XIV of the General Orders and in advance of the 2024-25 growing season.
84. A decision of the Vegetable Commission to approve MPL BC as a designated agency for the 2024-25 growing season must be approved in writing by BCFIRB.

There does seem to be a conflict in these passages. The BCFIRB's approval of the designation of MPL BC as a designated agency for "the 2024-2025 growing season" (paragraph 79), seems to be nullified by

paragraphs 83 and 84, which suggest that the Commission must decide (again) that MPL BC should be designated as an agency, subject to the approval of the BCFIRB.

Further, if the BCFIRB's reference to "[a] decision of the Vegetable Commission to approve MPL BC as a designated agency for the 2024-25 growing season" in paragraph 84 was not intended to refer back to the decision already made by the Commission on January 12, 2022 (which was the subject of the BCFIRB's review), it is not clear what steps would be required to perfect the Commission's decision. Paragraph 83 refers to section 3 of Part XIV of the General Orders. This might imply that a "section 3" review should be undertaken before the end of this calendar year. However, a section 3 review is a substantial undertaking and would essentially amount to a "re-do" of the work that preceded the Commission's January 12, 2022 decision. I am instructed that it would not be feasible to reproduce all the work that has already been undertaken by the Commission in such a short time frame.

In the circumstances, we ask for clarification on the following points:

1. Was the reference to "the 2024-2025 growing season" in paragraph 79 intended to be a reference to the 2023-2024 growing season?
2. Is the reference to "[a] decision of the Vegetable Commission to approve MPL BC as a designated agency for the 2024-25 growing season" in paragraph 84 intended to refer to the Commission's usual renewal process, or alternatively, is the BCFIRB directing that the Commission essentially "re-do" the substantial work that preceded the Commission's January 12, 2022 decision, in the context of a section 3 review, prior to the end of the calendar year?

Yours truly,

**AFFLECK HRABINSKY BURGOWNE LLP**

Per:

  
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