



BC Farm Industry Review Board

March 11, 2022

File: 44200-35\MPL

DELIVERED BY EMAIL

Morgan Camley
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20th Floor, 250 Howe Street
Vancouver, BC, Canada V6C 3R8

Debbie Etsell, Chair
BC Vegetable Marketing Commission
207 – 15252 32nd Ave
Surrey BC V3Z 0R7

Dear M. Camley and D. Etsell:

RE: MPL BRITISH COLUMBIA DISTRIBUTORS INC. (MPL BC) AGENCY DESIGNATION

I write further to Ms. Camley's letter of March 1, 2022 addressing the timing of the British Columbia Farm Industry Review Board's (BCFIRB) prior approval of the British Columbia Vegetable Marketing Commission's (Commission) decision on MPL BC's application for a Class 1 agency licence.

First, please be advised that I will be presiding over the supervisory panel in this prior approval process.

As Ms. Pederson, BCFIRB Executive Director, advised in her January 24, 2022 letter:

Designation of agencies is not a routine matter. Agencies are businesses granted the right to market BC regulated product to the exclusion of others and are delegated certain legislated authorities. It is incumbent on BCFIRB to ensure the BC Vegetable Marketing Commission (Commission) decision accords with sound marketing policy.

While I understand MPL BC seeks a timely decision from BCFIRB, the prior approval process will take a number of months, and it should have no expectation that it will be completed by any particular date, including "...well in advance...of the October 31, 2022 producer transfer deadline...".

In this particular case, the prior approval process is further complicated by the recent appeals of the Commission's decision and the ongoing supervisory Allegations of Bad Faith and Unlawful Activity Review (Allegations of Bad Faith Review).

As you know, twelve appeals of the Commission's agency decision have now been filed with BCFIRB under its appeal mandate. On February 18, 2022, the presiding member of the appeal panel, Pawanjit Joshi, established a submission process to hear from the

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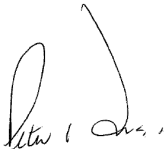
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parties on whether the appeals should be deferred pursuant to section 8(8) of the *Natural Products Marketing (BC) Act (NPMA)* to allow the prior approval supervisory process to conclude. That submission process has concluded, and Mr. Joshi will be issuing his decision in due course.

As part of any prior approval of a new agency in the regulated marketplace, BCFIRB needs to evaluate the Commission's process and outcome in light of sound marketing policy objectives. The prior approval panel will establish terms of reference for the prior approval process which will clarify the issues to be decided, the participants in the process and the form that participation will take. The prior approval panel will also need to address the impact of the ongoing Allegations of Bad Faith Review process on the prior approval process.

I expect to issue further correspondence on these matters in the near future.

Regards

A handwritten signature in black ink, appearing to read "Peter Donkers". The signature is stylized with a large initial "P" and "D".

Peter Donkers
Chair

cc: Robert Hrabinsky, legal counsel
BC Vegetable Marketing Commission

BCFIRB web site