



July 8, 2016

File: 44200-60 VI VEG REVIEW

DELIVERED BY EMAIL

Alf Krause
Chair
BC Vegetable Marketing Commission
207 – 15252 – 32 St
Surrey BC V3S 0R7

Dear Mr. Krause:

BC FARM INDUSTRY REVIEW BOARD SUPERVISORY DECISION – AGENCY REVIEW PROCESS AND CRITERIA APPROVAL

On July 7, 2016 the BC Vegetable Marketing Commission (Commission) notified the BC Farm Industry Review Board (BCFIRB) it ratified the process and criteria that are to be used to determine, as a matter of sound marketing policy:

- 1) the appropriate number of Vancouver Island agencies;
- 2) the identity of the Vancouver Island agency or agencies; and,
- 3) whether any existing Vancouver Island agency licences should be revoked.

As per BCFIRB's June 15, 2016 decision ([BC Farm Industry Review Board Supervisory Decision – The Future of Regulated Vegetable Production on Vancouver Island](#)), it is required to ratify the criteria that will be used to address the agency structure on Vancouver Island going forward in the interest of sound marketing policy.

Background

Given the lack of resolution to ongoing Vancouver Island conflicts and significant issues already facing BC's vegetable industry (e.g. declining number of producers, increasing production costs, loss of processors), the Commission requested that BCFIRB initiate what is hoped to be a final supervisory review of Vancouver Island's regulated vegetable industry. In considering the request, BCFIRB determined it was not sound marketing policy to allow continued Vancouver Island disputes to negatively impact operation of the regulated sector. BCFIRB initiated the review of Vancouver Island regulated vegetable marketing on [October 10, 2014](#).

**British Columbia
Farm Industry Review Board**

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Following extensive consultation, the Commission notified its stakeholders on June 6, 2016 that it had made final decisions with respect to certain issues and had recommendations to BCFIRB about others. The Commission met with BCFIRB on June 8, 2016 to present those decisions and recommendations and subsequently distributed its reasons to its stakeholders.

In its June 15, 2016 decision BCFIRB accepted the Commission's recommendation that regulation of the Vancouver Island vegetable industry continues to represent sound marketing policy, with no further review required.

In the same decision, BCFIRB directed the Commission to conduct a transparent, inclusive, and fair application and review process for the Commission to determine in the first instance as a matter of sound marketing policy:

- 1) the appropriate number of Vancouver Island agencies;
- 2) the identity of the Vancouver Island agency or agencies; and,
- 3) whether any existing Vancouver Island agency licences should be revoked.

BCFIRB stated in the decision it would work with the Commission to develop a SAFETI¹-based review process to evaluate the Vancouver Island agency structure. BCFIRB and the Commission would then ratify the forward looking criteria that would be used in reaching these determinations.

Legal Authorities

In British Columbia, the production and marketing of vegetables is regulated under the *Natural Products Marketing (BC) Act (NPMA)* and the British Columbia Vegetable Scheme.

Under s. 7.1 of the *NPMA*, BCFIRB is responsible for the general supervision of all marketing boards and commissions in the Province, including the Commission. Section 7.1(2) of the *NPMA* provides for this supervisory authority to be exercised "at any time, with or without a hearing, and in the manner [BCFIRB] considers appropriate to the circumstances".

Under s. 9 of the *NPMA*, BCFIRB "has exclusive jurisdiction to inquire into, hear and determine all those matters and questions of fact, law and discretion arising or required to be determined by [BCFIRB] under [the *NPMA*]".

BCFIRB Decisions

BCFIRB approves the agency review process, including the evaluation criteria as set out in the attached "Supervisory Review of Regulated Vegetable Production on Vancouver Island – Agency Application Process 2017 Crop Year".

¹ SAFETI principles: Strategic, Accountable, Fair, Effective, Transparent, and Inclusive

Closing

As per the June 15, 2016 BCFIRB decision, the Commission will submit its final recommendations, and rationale along with the agency applications to BCFIRB for its own review and final supervisory decision regarding Vancouver Island agencies.

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Per

A handwritten signature in black ink, appearing to read "John Les". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that extends downwards and to the left.

John Les
Chair

Attachment: Supervisory Review of Regulated Vegetable Production on Vancouver Island – Agency Application Process 2017 Crop Year

cc: BCFIRB web site