

**BC Vegetable Marketing Commission  
Consolidated General Order  
March 16, 2005**

**NOTICE 1 - These Orders replace the former General Orders of the British Columbia Vegetable Marketing Commission ("Commission"). To the extent of any inconsistency between these Orders and any other Order, direction or policy of the Commission, these Orders shall prevail.**

**NOTICE 2 - This electronic, and if printed, document is an unofficial consolidation of the General Orders made by the British Columbia Vegetable Marketing Commission as of March 16, 2005. Parts of the General Orders may have been amended or repealed after that date and may not be reflected in this electronic version.**

**This electronic version of the General Order is for private study or research purposes only, and is not the official version of the General Orders. The British Columbia Vegetable Marketing Commission does not warrant the accuracy or the completeness of this electronic version of the General Orders and in no event will the British Columbia Vegetable Marketing Commission be liable or responsible for damages of any kind arising out of the use of the General Orders.**

**Persons who need to rely on the text of the General Orders for legal and other purposes may obtain the official version of the General Orders, as amended, from the British Columbia Vegetable Marketing Commission, Suite 207, 15252 - 32nd Ave., Surrey BC V3Z0R7. Telephone: 604-542-9734.**

Amended April 4, 2017

## INDEX

PART I	INTRODUCTORY.....	1
PART II	BOOKS AND RECORDS.....	7
PART III	LEVIES AND SERVICE FEES.....	7
PART IV	LICENSING.....	8
PART V	AGENCIES.....	11
PART VI	TRANSFER OF PRODUCERS BETWEEN AGENCIES.....	13
PART VII	AGENCY RESPONSIBILITIES.....	14
PART VIIA	PRODUCER – SHIPPER RESPONSIBILITIES.....	15
PART VIII	GRADING AND PACKING.....	17
PART IX	GENERAL PROHIBITIONS.....	17
PART X	EXEMPTIONS.....	19
PART XI	MARKETING REGULATED PRODUCT FOR PROCESSING OR MANUFACTURE.....	20
PART XII	COMMISSION ELECTION PROCEDURES.....	23
PART XIII	PROCEDURES FOR THE REGULATION OF PRODUCE.....	23
PART XIV	PROCEDURES FOR DESIGNATION OF AGENCIES.....	25
PART XV	MARKETING OF "NEW" OR ADDITIONAL REGULATED PRODUCT BY EXISTING AGENCIES.....	28
PART XVI	PRODUCTION AND DELIVERY ALLOCATIONS – GENERAL.....	29
PART XVII	PROCEDURE FOR DETERMINING DELIVERY ALLOCATION FOR STORAGE CROPS.....	30
PART XVIII	PROCEDURES FOR ASSIGNING PRODUCTION ALLOCATIONS FOR GREENHOUSE CROPS.....	32
PART XIX	PRICING PROCEDURES.....	35
PART XX	DIRECT MANIFEST SALES.....	36
PART XXI	MISCELLANEOUS.....	37
Schedule I	Regulated Crops Designated Agencies Authorized to Market.....	39
Schedule II	Regulated Vegetables.....	40
Schedule III	Annual Licence Fees.....	41
Schedule IV	BCVMC Levies & Charges.....	42
Schedule V	Specialty Greenhouse Vegetables.....	43
Schedule VI	Delivery Allocation Periods for Storage Crops.....	44

# PART I INTRODUCTORY

## *Purpose of Orders*

1. The Commission is vested with the power to promote, control and regulate in any respect the production, transportation, packing, storage and marketing of Regulated product grown in British Columbia, including the production, transportation, packing, storage and marketing of Regulated Product for sale within British Columbia and for interprovincial and export trade.

## *Power to Exempt*

2. The Commission is vested with the power to exempt from a determination or order a person or class of persons engaged in the production, packing, transporting, storing or marketing of a regulated product or a class, variety or grade of it.

## *Regulated Area*

3. This Order shall apply to Regulated Product grown in British Columbia under the Scheme. The onus of proving that any Regulated Product sold or offered for sale, or bought or offered to be bought, was not grown in British Columbia, shall be upon the Person asserting the same.

## *Authority of Commission*

4. The Commission exercises its powers under the following enactments:
  - (a) Natural Products Marketing (BC) Act, R.S.B.C. 1996, c.330
  - (b) Agricultural Products Marketing Act, R.S., c. A-6;
  - (c) British Columbia Vegetable Scheme, B.C. reg. 96/80; amended by #1623-2004 - 13
  - (d) British Columbia Vegetable Orders, SOR/81-49 & 2002-309 made under the Agricultural Products Marketing Act, R.S., c. A-6;
  - (e) Order in Council No.631, approved and ordered May 4, 2000, made under the Natural Products Marketing (BC) Act, R.S.B.C. 1996, c. 330; and
  - (f) Natural Products Marketing (BC) Act Regulations, B.C. Reg 328/75.

## *Interpretation*

5. In this and all other Orders of the Commission, unless the context requires otherwise, the definitions contained in the above named enactments will have effect together with the following additional definitions:

"**Act**" means the Natural Products Marketing (BC) Act, R.S.B.C. 1996, c330.

"**Administration Levy**" means that portion and amount of the annual producer levy that is charged to producers and retained by the Commission for Meeting expenses, including, among others, operational expenses.

"**Agency**" means a Person designated by the Commission as an agency licensed for the marketing of regulated products with retailers; VMC licensed wholesalers and

processors; other designated agencies; or all of them irrespective that the marketing is intra-provincial, inter-provincial or export trade in nature and is in accordance with the stipulations set out in Schedule 1.

- "BC No. 1 Grade"** means BC No. 1 Grade as defined in the Agricultural Produce Grading Act, R.S.B.C. 1996, c.11, or regulations thereto.
- "BC No. 2 Grade"** means BC No. 2 Grade as defined in the Agricultural Produce Grading Act, R.S.B.C. 1996, c.11, or regulations thereto.
- "Canada No. 1 Grade"** means Canada No. 1 Grade as defined in the Agricultural Produce Grading Act, R.S.B.C. 1996, c.11, or regulations thereto.
- "Canada No. 2 Grade"** means Canada No. 2 Grade as defined in the Agricultural Produce Grading Act, R.S.B.C. 1996, c.11, or regulations thereto.
- "Certificate of Authority"** means a document authorized by the Commission granting authority to an employee, agent, or representative of the Commission to perform specified tasks for the Commission within a specified time frame.
- "Certified Organic"** means certified by the Certified Organic Association of British Columbia or any other certification body approved by the Commission.
- "Cole Crops"** means broccoli, cauliflower, Brussels sprouts and any other crop designated by the Commission.
- "Commercial Producer"** means a Producer whose name has been entered and remains registered in one or more of the registers of Commercial Producers referred to in Section 5 of the Scheme. In accordance with Section 7 of the Scheme, a Producer qualifies to be registered as a Commercial Producer in the district register for a district in which he operates a farm if, during the immediately preceding 12 months, Regulated Product of at least a gross value to the Producer of \$5,000 has been grown on the farm and marketed from it through an Agency or licensed processor.
- "Commission"** means the British Columbia Vegetable Marketing Commission.
- "Commission Salesperson"** means a person who purchases Regulated Product from a designated Agency to offer for sale, sell or supply to Retailers and sells that Regulated Product directly from a delivery vehicle."
- "Commission Service Fees"** means "Annual Producer Levy".
- "Consumer"** means an individual who purchases Regulated Product for use and consumption by that individual or by that individual's immediate family.
- "Container"** means any covering, bag, box or other container or receptacle in which the Regulated Product can be packed, transported or marketed.
- "Crop Year"** means:
- (a) January 1st to December 31st of any year for Greenhouse Crops, Processing Crops including Cole Crops; and
  - (b) Beginning of season to June 30th of the following year for Storage Crops.
- "Delivery Allocation"** means an authorization issued by the Commission to a producer to deliver to an agency, or to market as otherwise directed or approved by the Commission, a specified amount of a regulated product within a specified time period.
- "District"** means any of the three Districts outlined or specified in these Orders, namely:
- "District I"** means that part of the Province west of the 121st meridian of west longitude and south of the 50th parallel of north latitude, excluding Vancouver Island and the Gulf Islands;
- "District II"** means Vancouver Island and the Gulf Islands;

**“District III”** means that part of the Province south of the 53 parallel of north latitude and not in the first or second Districts.

**“Earned Delivery Allocation”** means storage crop Delivery Allocation determined from actual shipments attributable to a Producer and who may or may not be the immediate transferor regarding a Delivery Allocation transfer application being administered by the Commission.

**“Family Member”** means the son, daughter, son-in-law, daughter-in-law or grandchildren of a licensed producer operating as a proprietorship or spousal partnership or in the instance of a partnership or corporation is the son, daughter, son-in-law, daughter-in-law or grandchild of the person who holds the majority interest or shareholder interest in the partnership or corporation.

**“Farm”** includes a greenhouse.

**“Granted Delivery Allocation”** means storage crop Delivery Allocation assigned by the Commission to a producer that is not the result of actual shipments.

**“Greenhouse”** means an enclosed structure where regulated product is grown.”

**“Greenhouse Vegetable Crop”** means tomatoes (all types); peppers (all types); cucumbers (all types); butter lettuce (all types) grown in a greenhouse and any other crop designated by the Commission, and includes Greenhouse Vegetable Crops certified as organic.

**“Greenhouse Vegetable Production Allocation”** means an authorization issued by the Commission to produce a defined area of a greenhouse vegetable crop during the annual licensing period.

**“Grower Marketing Agreement”** or "Producer Marketing Agreement" or “Sales and Marketing Agreement” means an agreement between a Producer and an Agency which sets out the terms and conditions upon which the Regulated Product shall be provided by the Producer and sold by the Agency.

**“Manifest Sales”** means when a Producer supplies local product directly to smaller outlets which are not Customers of an Agency or other Person specified by the Commission.

**“Marketing”** includes producing, buying, selling, shipping for sale, offering for sale or storage, and in respect of a natural product includes its transportation in any manner by any person.

**“Master Contract”** means an industry wide contract applicable to a particular regulated Processing Crop which has been approved by the Commission.

**“Municipal Market”** means any public market authorized and/or maintained by a city, municipality, provincial or federal government.

**“Order”** means an Order of the Commission, as may, from time to time, be issued by the Commission and includes these General Orders.

**“Person”** includes an individual, firm, partnership, corporation, association, sole proprietorship, or any other entity specified by the Commission.

**“Processing”** includes freezing, canning, packing or in any way preserving or altering Regulated Product.

**“Processing Crops”** includes peas, beans, corn, cauliflower, broccoli, Brussels sprouts, strawberries, potatoes and any other crop designated by the Commission that are destined for processing or manufacturing.

**“Processor”** means any Person who processes or manufactures the Regulated Product by

- mechanical means or otherwise and markets, offers for sale, supplies, stores or transports the processed or manufactured product.
- "Producer"** means a Person who operates a Farm on which one tonne or more of the Regulated Product has been produced during the immediately preceding 12 months and includes a Producer who is producing regulated product that has been certified as organic.
- "Producer-Shipper"** means a person licensed by the Commission to produce Greenhouse or Storage Vegetable Crops and to market some or all of the Greenhouse or Storage Vegetable Crops produced by him directly to commercial trade channels but unless specifically authorized by the Commission does not include marketing to an Agency or another Producer-Shipper.
- "Production Allocation"** means an authorization issued by the Commission to a producer to produce a specified regulated product within a specified time period.
- "Province"** means the Province of British Columbia.
- "Regulated Crops"** means Regulated Product.
- "Regulated Area"** means that part of the Province south of the 53<sup>rd</sup> parallel north, including Vancouver Island and the Gulf Islands and excluding the Queen Charlotte Islands.
- "Regulated Product"** means the crops listed on Schedule II of this Order that were grown within the Regulated Area.
- "Regulated Vegetables"** means Regulated Product.
- "Research & Industry Development Levy"** means that portion and amount of the annual producer levy that is charged to producers for use in a manner consistent with Section 11(o)(i) of the Natural Products Marketing (BC) Act and Section 4(2) of the BC Vegetable Scheme.
- "Retailer"** means any Person who offers for sale, sells or supplies the Regulated Product directly to Consumers from a fixed commercial establishment located in B.C.
- "Scheme"** means the British Columbia Vegetable Scheme as amended from time to time.
- "Shipper"** means any Person authorized to transport Regulated Product on behalf of the Commission or its designated Agencies.
- "Specialty Crops"** means crops with unique production based attributes which give rise to market differentiation from mainstream commodity crops which is preserved through grading, packing, marketing and distribution to the final consumer. Differentiating attributes may include some or all of unique genetics, specialized production programs, and unique facility and management requirements. Greenhouse Vegetable Crops designated as specialty crops are listed in Schedule 5 to these Orders.
- "Storage Crops"** mean potatoes, onions, parsnips, cabbage, carrots, beets, rutabagas, white turnips and any other crop designated by the Commission.
- "Sub-Agency"** means a sub-agent of a designated Agency appointed or designated by the Commission.
- "Transport Order"** means a permit, either verbal or written, issued in the name of the Commission by a duly authorized employee or nominee of the Commission authorizing the movement or transporting of Regulated Product from a Producer's farm to an Agency, a Processor, or a warehouse each of whom must be designated by the Commission and specifying the day or days between which the Regulated Product covered by the Transport Order may be moved.

**“Types”** means all varieties of an individual Greenhouse Vegetable Crop except crops specifically designated by the Commission as specialty crops.

**“Vehicle”** includes any motor vehicle, wagon, railway car, ship, boat, or airplane or any other thing in which the Regulated Product can be transported.

**“Wholesaler”** means a Person, other than an Agency, who sells or offers for sale the Regulated Product to a Retailer, Caterer, Processor, or other Wholesaler or otherwise than directly to a Consumer, but does not include a Person who has no facilities to store or transport the Regulated Product.

**“Varieties”** means “a subdivision of a vegetable crop consisting of naturally occurring or selectively bred populations that differ from the remainder of the species in certain minor characteristics”.

6. Wherever the masculine or singular is used throughout the Order, the same shall be construed as including the feminine, plural, partnership, or body corporate, as the context may require.
7. These Orders may be amended from time to time by the Commission and such amendments take effect as noted therein when signed by the Chair and one of either the Vice Chair or the Secretary.

## **PART II BOOKS AND RECORDS**

### *Requirement to Keep Records and Information*

1. Every Person shall keep in the English language complete and accurate books and records of all matters including the production and Marketing (including grading) of the Regulated Product by that Person, or any other books and records as may be specified by the Commission from time to time.
2. For the purposes of ascertaining whether the Orders, rules and regulations of the Commission are being complied with, every Person shall, upon request, produce for inspection by the Commission or any member of the Commission, or any of its employees or any other Person authorized by the Commission for that purpose, all such books and records kept by that Person.
3. Every Person shall, upon request, furnish to the Commission any information relating to the production, grading, Processing and Marketing by that Person, of the Regulated Product and shall make specific answers to any questions submitted to them by any member or employee of the Commission or any other Person duly authorized by the Commission.

## **PART III LEVIES AND SERVICE FEES**

1. Unless otherwise exempted by the Commission, all persons engaged in the production or marketing of regulated vegetables shall pay levies or service fees to the Commission based on the volume of regulated product produced or marketed, or on the area producing regulated product. The Commission may also impose and collect

temporary or ongoing special levies or service fees applicable to one or more regulated products. Levy or services fee amounts are established and amended from time to time by the Commission and are described in Schedule IV to these General Orders.

2. The funds derived from levies or service fees may be used for any purposes approved from time to time by the Commission.
3. Each Agency or Processor shall deduct the appropriate Commission levy or service fee from the producer's net proceeds as directed by the Commission, for the regulated product which the Agency or Processor is appointed to handle, and each Agency shall hold such funds in trust and shall remit the funds to the Commission as laid out in these General Orders.
4. Where a producer is licensed as a Producer-Shipper or exempted from the requirement to market regulated product through a designated agency or a Processor, the levies or service fees applicable to that production, unless otherwise exempted by the Commission, are due and payable directly to the Commission as laid out in these General Orders or as otherwise directed by the Commission.

## **PART IV LICENSING**

### *Licences – Agencies*

1. No person other than an Agency shall purchase Regulated Product from a Producer or market Regulated Product, within British Columbia or in interprovincial or export trade, except that:
  - (a) Regulated Product may be purchased from a Producer by a Consumer or by a Processor licensed by the Commission as permitted by these General Orders;
  - (b) Regulated Product may be marketed by a Producer, Producer-Shipper, Processor, Commission Salesperson or Wholesaler who is licensed in accordance with these General Orders in the manner permitted by the term of the licences, these General Orders, and any other Order of the Commission; and
  - (c) A Person who is specifically exempted from the requirements of this section pursuant to these General Orders or otherwise by Order of the Commission may market Regulated Product as permitted by the Commission.
2. A Person is authorized to act as an Agency if the Person:
  - (a) registers with the Commission and is designated as an Agency of the Commission;
  - (b) is qualified to and obtains annually from the Commission one of the appropriate licences herein described; and
  - (c) Pays to the Commission annually the fees for such licence as described in Schedule III to these General Orders.
  - (d) A Class I Licence may be issued on the initial application to the Commission or on any subsequent application if that Person or Agency has not had a licence of



- any class suspended or cancelled pursuant to Section 5.
- (e) If any licence is suspended or cancelled, the Commission may issue a Class II, Class III, Class IV or Class V licence at its discretion; such a classification will be for a minimum of one year unless otherwise ordered by the Commission.

*Licences – Producer*

3. No Producer, shall grow, process or market Regulated Product unless that Producer:
- (a) registers with the Commission;
  - (b) is qualified to and obtains annually from the Commission one or more of the appropriate licenses herein described; and
  - (c) Pays to the Commission annually the fees for such licences as described in Schedule 3 to these General Orders.
4. A Class I Licence may be issued to any Producer on the initial respective application to the Commission, or on any other subsequent application by any respective Producer who has not had a licence of any class suspended or cancelled pursuant to Section 6 of this Part.
5. If any licence is suspended or cancelled, the Commission may issue a Class II, Class III, Class IV or Class V Licence at its discretion; such a classification will be for a minimum of one year unless otherwise ordered by the Commission.

*Licences - Processor, Wholesaler, Commission Salesperson*

6. No Processor, Wholesaler or Commission Salesperson shall grow process or market Regulated Product unless he:
- (a) registers with the Commission;
  - (b) is qualified to and obtains annually from the Commission one or more of the appropriate licences herein described; and
  - (c) Pays to the Commission annually the fees described in Schedule 3 to these General Orders.
7. A Class I Licence may be issued to any Person under this section on the initial respective application to the Commission, or on any other subsequent application by any respective Person under this section who has not had a licence of any class suspended or cancelled pursuant to Section 6 of this Part.
8. If any licence is suspended or cancelled, the Commission may issue a Class II, Class III, or Class IV Licence at its discretion; such a classification will be for a minimum of one year unless otherwise ordered by the Commission.

*Licenses – Producer - Shippers*

9. No Producer-Shipper shall grow and market Greenhouse or Storage Vegetable Crops unless he:
- (a) registers with the Commission;
  - (b) is qualified to and obtains annually the appropriate license from the Commission, and

- (c) Pays to the Commission annually the fees for such licenses as described in Schedule III to these General Orders.

*Licences - Issuance, Cancellation or Suspension*

10. Every licence is subject to cancellation or suspension by the Commission:
  - (a) for a period of time to be determined by the Commission at its discretion if, in the opinion of the Commission, the licence holder has violated any Order, policy or direction of the Commission or if, in the opinion of the Commission, the actions of a licence holder are detrimental to the best interests of the industry.
  - (b) Before cancelling or suspending a licence, the Commission shall notify the licensee in person, by facsimile transmission or email and by registered mail, to appear before the Commission to address the alleged violation and, where appropriate, to show just cause why the licence in question should not be cancelled or suspended for a period of time. The licensee may be represented by legal counsel, an agent or himself. If the licensee, his legal counsel or agent, do not appear before the Commission at the hearing, the hearing shall proceed and the licensee shall be sent, by registered mail, a copy of the decision of the Commission.
    - i. If the Commission cancels or suspends a licence, the Commission shall notify the licensee or his legal counsel or agent by facsimile transmission or email and by registered mail.
    - ii. If the Commission suspends or cancels a licence, the licensee may be subject to a Commission service fee, representing all or part of the expenses associated with the investigation, hearing and determination of the Commission leading to the cancellation or suspension of the licence.
11. Licenses are valid for one (1) year for the period commencing the day after the due date described in each instance below and expiring on the next annual due date. Every application for a license whether it is an initial application or a renewal must be made on a form prescribed by the Commission and shall be submitted to the Commission no later than the following due dates of each year:
  - (a) Producers *and Producer-Shippers* of Greenhouse Vegetable Crops– November 1.
  - (b) Other Producers *and Producer-Shippers of Storage Crops – May 1<sup>st</sup>*.
  - (c) Designated Agencies, Processors, Wholesalers and Commission Salespersons – March 1st.
12. Each application for a Producer's or producer-Shipper licence made in the name of a Person, farm, partnership or corporation must list on the licence application, the name of each owner, partner or shareholder, including percentage of shareholdings, as appropriate, and must identify the signing or voting authority for the farm, partnership proprietorship, or corporation, as the case may be, and must identify an individual who operates the farm.

13. Each licence issued by the Commission shall be issued to a named individual, or an individual and a corporation jointly, or to an individual and a farm name jointly, or, in the case of a partnership, to the partnership, at least one of the partners and an individual jointly.
14. No Producer, Producer-Shipper, Commission Salesperson, Processor, Wholesaler or Agency shall operate without a licence.
  - (a) Any Person who plans to act or who acts as an Agency must obtain an Agency licence and must be designated by the Commission as an Agency.
  - (b) Any Person who plans to act or who acts as a Processor must obtain a Processor's licence.
  - (c) Any Person who plans to produce or who produces Regulated Product must obtain a Producer's licence.
  - (d) Any Person who plans to act or who acts as a Wholesaler must obtain a Wholesaler's licence.
  - (e) Any Person who plans to operate or who operates as a Producer-Shipper must obtain a Producer-Shipper licence.
  - (f) Any Person who plans to act or who acts as a Commission Salesperson must obtain a Commission Salesperson's licence.
15. Producers holding, in aggregate, less than 5,000 m<sup>2</sup> of Greenhouse Vegetable Production Allocation are not required to be licensed as Producer-Shippers nor are they required to market through an Agency unless otherwise directed by the Commission. Multiple registrations on the same physical site or several facilities under common ownership and management shall be considered single units for the purposes of determining applicability of this 5,000 m<sup>2</sup> exemption.

## **PART V      AGENCIES**

1. Designated Agencies and the Regulated Crops each are authorized to handle are listed on Schedule I to this General Order.
2. An Agency shall maintain an office located within the Regulated Area.
3. Agencies may, with the approval of the Commission, issue Transport Orders for specific Regulated Product. If authorized by the Commission, Transport Orders may contemplate that Regulated Product will be received, washed, graded and marketed and the proceeds pooled.
4. Each Agency shall deduct the appropriate Commission service fees from the Producer's net proceeds as prescribed by these General Orders or as directed by the Commission for the Regulated Product which the Agency is authorized to market, and for each month's sales Agencies shall hold such funds in trust and shall remit the funds to the Commission not later than the 20th day of the following month.

5. The Commission may withdraw the authority of an Agency to market Regulated Product and may cancel or suspend an Agency licence and strike the name of an Agency from the records of the Commission for failure to comply with an Order, directive or resolution of the Commission.
6. No Agency shall receive or market any Regulated Product from a Person in respect of which there has occurred any violation of, or non-compliance with, any Orders or directions of the Commission unless specifically ordered by the Commission to do so.
7. No Agency shall receive or market any Regulated Product from a Producer who does not have a current Producer Licence unless the net value of the Producer's shipments to date in the current year, including the shipment in question, does not exceed one thousand dollars (\$1,000).
8. No Agency shall receive any Regulated Product from a Producer that was not grown by that Producer unless expressly authorized by the Commission.
9. Every Agency shall be entitled to charge each Producer the service fees from time to time approved by the Commission for packing, cooling, grading, storing, washing, handling, transporting and Marketing the Regulated Product.
10. An agreement between an Agency and a Producer, which addresses terms and conditions upon which the regulated product shall be provided by the Producer and sold by the Agency (e.g., a Grower Marketing Agreement), shall be reduced to writing and is to be consistent with Commission policy.
11. All agencies shall cooperate with each other in the Marketing of Regulated Product and enter into inter-Agency agreements when directed by the Commission. This may mean that Agencies with an excess of Regulated Product will be required to sell Regulated Product to Agencies in need of Regulated Product. On-going communication between Agencies is encouraged by the Commission in this regard.
12. Each Agency is authorized to and may conduct a pool or pools as directed by the Commission, for the distribution of all proceeds received from the sale of the Regulated Product. Each Agency shall distribute the proceeds of sale of each pool, after deducting necessary and proper disbursements, expenses and charges as permitted or required by the Commission.
13. All Agencies shall distribute the proceeds of sales not more than 20 days following the month during which the sales were made. If an Agency is unable, or does not wish to pay the proceeds within the specified time frame, it may apply to the Commission for a variance, stating the reasons for the request, the duration of the variance and the payment schedule requested. The Commission may approve, amend, or deny the request as it sees fit.
14. Prices for all Regulated Crops subject to Commission minimum pricing must be approved by the Commission before coming into force or effect, unless otherwise authorized in writing by the Commission.

15. All Agency facilities must meet minimum health standards of the regional district, municipality, area or city in which the facilities are located.
16. An Agency must have a valid business license and must be legally able to use any brand name it may adopt.

*Products of Unmarketable Quality*

17. An Agency or a Processor shall be entitled to refuse to accept or market any Regulated Product delivered to it, which in the opinion of the Agency or Processor, is not of marketable quality.
18. Any person who is aggrieved by the refusal of an Agency or Processor to accept or market Regulated Product may file a complaint with the Commission for a remedy and the decision of the Commission shall bind both the Agency or Processor and the aggrieved Person, subject to appeal provisions of the Act.
19. Any Person who is aggrieved by the manner in which Regulated Product is handled by an Agency or Processor may file a complaint with the Commission for a remedy and the decision of the Commission shall be binding on both the Agency or Processor and the aggrieved Person, subject to the appeal provisions of the Act.
20. Due to the perishability of some regulated products, a person filing a grievance under Sections 19, 20, or 21 of this Part, may request an expedited adjudication of their complaint and the Commission will make its best efforts to resolve the matter within the time constraints required.

## **PART VI      TRANSFER OF PRODUCERS BETWEEN AGENCIES**

1. If a Producer and the Agencies involved agree, a Producer in good standing with the Commission may transfer from one Agency to another Agency. The parties must notify the Commission of the transfer before it takes effect.
2. If a producer wishes to transfer from one Agency to another Agency, or if an Agency wishes to discontinue receiving Regulated Product from a producer but one or more of the involved parties does not agree the Commission may make a determination binding upon the Producer and the Agency or Agencies.
3. No transfer registered with the Commission and no determinations made by the Commission pursuant to this Part shall be intended to negate, terminate or diminish established, agreed commercial arrangements or contracts between an Agency and a Producer.

## **PART VII AGENCY RESPONSIBILITIES**

1. Each Agency marketing crops subject to Commission minimum pricing shall notify the Commission and obtain approval from the Commission for the establishment of any price or change in price.
2. Each Agency marketing crops subject to Commission minimum pricing shall file with the Commission a copy of any price list, local or export, and particulars of any sales other than at listed prices.
3. No pricing for crops subject to Commission minimum pricing, below listed price can be made without the prior approval of the Commission.
4. Each Agency shall supply to the Commission as requested or required, details in respect to the application of Delivery or Production Allocations and Producer's individual shipments. These details are required to be supplied to the Commission within 60 days of the close of a pool period or in the case of storage crops within 60 days of the close of a Delivery Allocation period.
5. Each Agency shall provide pool settlement statistics showing quantities, price ranges and final pool prices to the Commission on request.
6. Before finalizing a contract each Agency shall provide to the Commission for its prior approval as to form any proposed contracts with Processors or other firms approved by the Commission located in BC that are to receive regulated products regardless of end use.
7. Each Agency shall file with the Commission a copy of their year-end financial statements. A financial audit shall be undertaken if requested by the Commission.
8. Each Agency shall file a business plan or Marketing plan with the Commission upon request.
9. Each Agency shall file with the Commission all signed Grower Marketing Agreements with all Producers of Regulated Product shipped through that Agency by June 1st of each year.
10. Each Agency shall have a trace-back and recall system which adequately identifies and traces Regulated Product from the time it is specifically shipped by a particular Producer until it is received and purchased by a Wholesaler or Retailer.
11. Each Agency shall file with the Commission names of staff to be authorized to issue Transport Orders by April 1st of each year; any changes, which may occur subsequently, must also be filed.

12. Each Agency shall file with the Commission, for approval each year, a proposed list of fees or charges for Agency services provided to Producers for Marketing. Any fee or charge that has not been submitted to the Commission for its approval is a nullity. Where the Commission has exercised its discretion to decline to approve a fee or charge, such fee or charge becomes a nullity.
13. Each Agency shall provide the Commission with any other information relevant to Agency or inter-Agency transactions as may be required by the Commission from time to time.
14. An Agency shall accept for marketing, and shall market the regulated product from any licensed producer directed to that Agency by the Commission. If the Commission directs a producer to an Agency, that producer's regulated product shall be marketed, and he shall receive returns, in the same manner as other persons delivering regulated product to that Agency.

## **PART VIIA PRODUCER-SHIPPER RESPONSIBILITIES**

### *Intent*

1. A Producer-Shipper licence is an extraordinary licence issued under exceptional circumstances. The circumstances are inclusive of, but not limited to, the history, geography and economics associated with the applicant.
2. The intent of licensing certain producers as Producer-Shippers is to provide *qualified* producers the opportunity to Market and distribute directly to *commercial* trade channels the opportunity to do so. *Commercial* trade channels, for the purposes of Producer-Shipper licensing, are defined as individual retail stores, farm markets, individual foodservice establishments and wholesalers. It is not intended that Producer-Shipper licensing is a means for individual producers to sell or Market to *Agencies* other Producer-Shippers, Agencies or Wholesalers whether located inside or outside B.C.
3. For most intents and purposes, Producer-Shipper licensing replaces previous exemptions from Marketing through an Agency.
4. The Commission qualifies the applicant and may place Market restrictions on the licence of deny an applicant all together if it is not in the best interests of the industry that the Producer-Shipper Licence be issued with full authority or be granted at all.

### *Producer Shipper Licensing*

5. To obtain a Producer-Shipper licence an applicant must:
  - (a) be assigned one or more Greenhouse Vegetable Production Allocations or Storage Crop Delivery Allocations, and
  - (b) demonstrate that he is not committed, aligned, or connected by commercial contract, ownership or any form of legal undertaking that requires that he market through an Agency, and

- (c) obtain approval from the Commission for his Marketing plan, and such plan shall be submitted to the Commission at least annually, in advance of licensing, or whenever a change from the approved plan is contemplated, and
  - (d) satisfy the Commission that he has the expertise and facilities to successfully produce, pack or have a contract to have his produce packed for him, market and distribute his greenhouse *or storage* crop.
6. A Producer Shipper must hold a valid and subsisting Producer-Shipper Licence.

*Responsibility to Market*

7. A Producer Shipper must pack, market and distribute Regulated Products produced by him in accordance with the approved Marketing plan.
8. A Producer-Shipper may, *with the prior permission of the Commission*, from time to time when he is either long or short of requirements to meet his markets and marketing plan, temporarily, and for periods not greater than fifteen (15) days:
- (a) market a portion of his greenhouse vegetable crop, which portion shall not exceed 5% of his Greenhouse Vegetable Production Allocation for that crop in the crop year, to another Producer-Shipper; or,
  - (b) sell a portion of his greenhouse vegetable crop, which portion shall not exceed 5% of his Greenhouse Vegetable Production Allocation for that crop in the crop year, to an Agency; or
  - (c) *Unless an exception is granted by the Commission*, the portion shall not exceed 5% of his Greenhouse Vegetable Production Allocation, *or Storage Crop Delivery Allocation Period* for that crop in the crop year.
9. Other than as provided for in paragraph 8 of this Part, no Producer-Shipper shall offer for sale any Regulated Greenhouse *or Storage Crop* Vegetables produced by any other Producer, nor shall they offer to purchase for subsequent sale by them any Greenhouse *or Storage Crop* Vegetables produced by any other Producer.
10. Other than as provided for in paragraph 8 of this Part, no Producer-Shipper shall offer for sale any Regulated Greenhouse *or Storage Crop* Vegetables produced by them to any other *Producer-Shipper or Agency*.
11. *All sales must comply with Commission pricing procedures.*

*Reporting Requirements*

12. A Producer Shipper must report all Greenhouse *and Storage* Vegetable crop Marketing, including but not limited to volumes shipped and prices received, as directed by the Commission.
13. A Producer Shipper must comply with, and regularly report, production, *shipments* and Marketing *activity that* may be required by any Commission programs that collect and disseminate market information *and Commission protocols used to monitor regulatory compliance*.



### *Levies and Service Fees*

14. A Producer Shipper must remit all charges and levies due on the production and Marketing of the Regulated Product produced under the approved Production and Delivery Allocation.

### *Limitations on Producer Shippers*

15. A Producer-Shipper may not:
  - (a) market Regulated Product produced by another producer except as specifically provided for in paragraph 8 above, or
  - (b) serve as a director or an officer of an Agency, or
  - (c) have a contract, agreement, or understanding with an Agency for the Marketing of any or all of his Greenhouse or Storage Vegetable Crops, or
  - (d) continuously market any or all of his Regulated Product to an Agency or Wholesaler under the authority of his Producer-Shipper's licence.

## **PART VIII GRADING AND PACKING**

1. A wholesaler, Agency or Producer-Shipper may sell only Regulated Product which meets at least a Canada No. 1 Grade, Canada No. 2 Grade, BC No. 1 or BC No. 2 Grade, or such other grade as the Commission may from time to time approve.
2. All Regulated Product shall be packed in Containers which comply with all regulations set out in the Canada Agricultural Products Act, RSC 1985, c. 20 (4th Supp.) or the Agricultural Produce Grading Act, R.S.B.C. 1996, c.11.
3. An Agency must receive approval from the Commission prior to marketing regulated product in non-standard containers. If approval is granted, product in non-standard containers may only be marketed in British Columbia.

## **PART IX GENERAL PROHIBITIONS**

1. No person shall transport a Regulated Product unless it has been packed in a container authorized by a designated Agency or by the Commission.
2. A Wholesaler shall only buy, accept or receive a Regulated Product from an Agency or Producer-Shipper.
3. A Retailer located in BC shall only buy, accept or receive a Regulated Product from an Agency, a Processor, a Wholesaler, a Producer-Shipper in accordance with Part VIII of these Orders, or a Producer as authorized by a Manifest sales program.
4. No Processor shall sell or offer for sale or supply the Regulated product except in a processed or manufactured form.
5. No Processor shall buy, accept or receive Regulated Product from any Person other than

a Wholesaler licensed by the Commission, an Agency designed and licensed by the Commission, or pertaining and limited to Processing Crops a Producer licensed by the Commission.

6. No Person, Producer or Processor, unless otherwise ordered by the Commission, shall grow, deliver, receive, accept or market Regulated Product for Processing, freezing, canning or preserving in any way unless there is a signed Commission approved Processing Crop contract which complies with all Commission Orders; such a contract shall be in compliance with and shall not deviate from the Master Contract negotiated for the Regulated Product in question and shall include a service charge.
7. No Person shall sell, offer to sell, supply or deliver the Regulated Product to any Person other than an Agency or such other Person as the Commission may expressly direct or authorize.
8. No Person other than a member or employee of the Commission shall move, destroy, sell or offer for sale any Regulated Product on which there has been put a detention tag or seizure tag, or with respect to which a notice of seizure has been given by any member or employee of the Commission or individual authorized by the Commission to effect such seizure, without the written authority of the Commission.
9. No Producer or Agency shall sell or offer for sale Regulated Crops subject to Commission minimum pricing, and no Person shall buy Regulated Crops subject to Commission minimum pricing, at a price less than the minimum price fixed by the Commission from time to time for the variety and grade of the Regulated Product offered for sale, sold or purchased, unless authorized by the Commission.
10. No Processor, or other authorized receiver of regulated product for Processing, shall receive or pay for any Regulated Product unless the Producer is currently registered with the Commission and is party to a current Commission approved Processing contract.
11. No Producer, shall market or transport any Regulated Product unless the Producer is currently licensed with the Commission, except as expressly authorized by the Commission pursuant to Section 4 of Part IV of the General Order.
12. No Producer shall produce or ship Regulated product without a Delivery or Production Allocation for the product in question, unless otherwise authorized by the Commission.
13. No Producer-Shipper shall sell or offer to sell Regulated Product to, or buy or offer to buy Regulated Product from, an Agency, other Producers, other Producer-Shippers or Wholesalers except as specifically provided for in these Orders or as otherwise authorized by the Commission.
14. Irrespective of business structure a Producer having transferred the entirety of a crop specific Delivery Allocation will not be permitted to be the transferee in a Delivery Allocation transfer application for the same crop and attendant delivery allocation periods until three successive crop years have transpired.

## PART X EXEMPTIONS

1. The power to grant an exemption may be delegated by the Commission to an officer or employee of the Commission, except as it affects the granting, suspension or cancellation of a licence or the affixing of licence fees, and all such exemptions are subject to ratification by the Commission.
2. (1) A Producer may sell Regulated Product (except a Regulated Product excluded from this section by resolution of the Commission) to a Consumer for use and consumption by that Consumer or by that Consumer's immediate family provided that:
  - (a) where the Producer is not a Producer-Shipper:
    - (i) the Producer has a current and subsisting Producer's licence;
    - (ii) the sale is carried out on the Producer's Farm, or at a Municipal Market situate within British Columbia, or at road-side stand owned, controlled and managed by the Producer situate within British Columbia;
    - (iii) the Regulated Product meets or exceeds Canada No. 2 Grade or BC Grade No. 2;
    - (iv) the Producer's privilege to sell such Regulated Product has not been withdrawn by the Commission because it has found or suspects that the Producer has abused or intends to abuse the privilege or, in the opinion of the Commission, has failed to comply with any general or specific Order of the Commission;
    - (v) the sale does not contravene any of the provisions concerning Direct Manifest Sales in any general or specific Order of the Commission; and
    - (vi) the maximum amount of all Regulated product sold to any Consumer in any one day does not exceed 300 pounds each of storage crops and 60 pounds each of greenhouse crops.
  - (b) where the Producer is a Producer-Shipper:
    - (i) the Producer-Shipper has a current and subsisting Producer-Shipper licence;
    - (ii) the Regulated Product meets or exceeds Canada No. 2 Grade or BC Grade No. 2; and
    - (iii) the Producer-Shipper's privilege to sell such Regulated Product has not been withdrawn by the Commission because it has found or suspects that the Producer-Shipper has abused or intends to abuse the privilege or, in the opinion of the Commission, has failed to comply with any general or specific Order of the Commission.
    - (iv) the maximum amount of all Regulated product sold to any Consumer in any one day does not exceed 300 pounds each of storage crops and

60 pounds each of greenhouse crops.

(2) The onus of establishing that a Person purchasing Regulated Product is a Consumer is on the Producer or Producer-Shipper, as the case may be.”

3. Persons seeking an exemption under this Part must advise the Commission of any contractual relations which may be affected; unless special circumstances exist, this Part will not be applied in a manner which abrogates existing contractual relations.
4. A Person who purchases Regulated Product in accordance with the provisions of Section 2 of this Part may transport the Regulated Product so purchased from the place of purchase to his residence without obtaining a Transport Order.
5. A Producer may apply to the Commission for permission to sell or offer for sale the Regulated Product to a Person other than an Agency, or an exempted Person as described in Section 3. If the Commission gives the Producer permission, subject to such terms and conditions as the Commission may prescribe, such Producer may sell and offer for sale or supply the Regulated Product to such Person and such Person may buy, accept and receive the Regulated Product from such Producer.
6. The following classes of Producers are not required to market their Regulated Vegetable Production through an Agency or Processor unless otherwise directed by the Commission:
  - (a) All Producers of organically certified Regulated Storage crops with the exception of those producers marketing through Fraserland Organics Inc.
  - (b) All licensed Producer-Shippers of Greenhouse Vegetable Crops.
  - (c) Licensed Producer holding, in aggregate, less than 5,000 m<sup>2</sup> of Greenhouse Vegetable Production Allocation.

## **PART XI      MARKETING REGULATED PRODUCT FOR PROCESSING OR MANUFACTURE**

### *General Provisions*

1. No Producer shall sell or offer for sale and no Processor shall buy or offer to buy Regulated Product except by the terms of a written contract approved by the Commission, which includes by reference the terms, covenants and conditions required by this Part.
2. Every Processor and every Producer entering into a contract under this Part must have a valid license issued by the Commission.
3. Any decisions or determinations of any committee including those of a mediator or arbitrator under this Part are recommendations to the Commission and do not take effect until approved by the Commission.

4. The Commission shall be charged with the general supervision of Processing Crop contracts between Producer and Processor.
  5. The Commission will use its best efforts and take all reasonable steps to ensure that the terms of contracts are followed and enforced.
  6. Final payments may not be made by a Processor to a Producer for any crop under this Part, until the Commission has confirmed such payment is authorized.
  7. The Commission shall from time to time, appoint a chair for the committees described in this Part. The Chair may be the General Manager of the Commission, or his designate, or such other person as the Commission may choose, and the Chair so appointed shall not have a vote.
- 7.1 Every producer who is also licensed as a Processor shall report each month to his designated agency any and all marketings of Regulated Product for Processing. Nothing in this section operates to make permissible any such marketings as would otherwise be impermissible under the Commission's General Order or pursuant to an arrangement between the Producer and its designated Agency.

#### *Processing Crop Master Committee*

8. A Processing Crop Master Committee will be established by the Commission comprised of an equal number of representatives selected by the Producers of regulated Processing Crops and of representatives selected by the Processors and licensed by the Commission.
9. The Processing Crop Master Committee shall meet at the request of either, the Processors, the Producers, or the Commission.
10. The Processing Crop Master Committee shall make recommendations to the Commission on all matters included in this Part and on amendments to the Processing Crop Master Contract. The Processing Crop Master Contract will include those matters and procedures which would otherwise be common to all or several individual processing crop contracts. All terms and conditions of a Processing Crop Master Contract must be consistent with this Part and all Orders of the Commission and do not take effect until approved by the Commission.

#### *Processing Crop Negotiating Committees*

11. Processing Crop Negotiating Committees shall be established by the Commission for each of the regulated Processing Crops comprised of the Chair, and an equal number of representatives selected by the Producers of regulated Processing Crops and representatives selected by Processors licensed by the Commission. The Chair may determine the equal number of representatives for each party and may approve the attendance of additional persons as he sees fit and those persons may only participate in the meetings as the Chair may approve.

12. Processing Crop Negotiating Committees shall determine the terms and conditions of the contract for each regulated Processing Crop.

*Processing Crop Negotiating Committee Procedures*

13. Unless mutually agreed by the Processors and the Producers, annual negotiations for each Processing Crop Negotiating Committee shall be completed by the following deadline dates:

peas, bush beans, corn, and Cole crops by March 31;  
strawberries by June 1.

14. The Chair, in consultation with the appropriate Processor and Producer representatives, shall determine the dates to commence negotiations each year so that negotiations and any mediation or arbitration is concluded by the deadline dates.
15. Negotiations, prior to mediation and arbitration, shall not occupy more than two days and shall end no later than fourteen (14) days prior to the deadline dates.

*Mediation and Arbitration*

16. If a Processing Crop Negotiating Committee does not reach agreement after meeting for two days, or if in that period the committee determines it is at an impasse, a mediation sub-committee will be struck comprised of the Chair, one member selected by the Producers and one member selected by the Processors. The subcommittee may meet for not more than one day.
17. If no agreement is achieved by mediation, the matter will be referred to arbitration for settlement. If the parties agree on an arbitrator and the format of the arbitration process, those agreements will be the basis of the arbitration. If the parties do not reach agreement on the arbitrator or on how the arbitration will be conducted, the Commission will select the arbitrator and determine the arbitration process to be followed.

*Processing Crop Contracts*

18. Every contract made by the authority of this Part shall make reference to this Part and to the Processing Crop Master Contract and shall be consequentially amended by any changes made to this Part or to the Master Contract.
19. Every Processing Crop Contract shall include terms and conditions as appropriate for each crop and may include terms and conditions relating to prices, terms of payments, preparation, seeding, growing, harvesting and delivery.
20. No contract is valid unless it is signed by a Processor, a Producer and by the Commission. Contracts signed by a Processor and a Producer must be submitted to the Commission for signature not later than ten (10) days after it is signed by the Processor and the Producer.

21. Every contract shall provide for producer levies and service charges payable to the Commission, as the Commission may from time to time determine. Levies and service charges are a first charge against the gross proceeds otherwise due to a producer. Levies and service charges due to the Commission are due and payable, in the case of strawberries, on or before the 15th day of August, in the case of peas, beans and corn on or before the 15th day of November, and in the case of Cole crops on or before the 15th day of December, in each year in which the contract is made.

## **PART XII COMMISSION ELECTION PROCEDURES**

1. The Commission shall have an “Elections Policy” approved by the Farm Industry Review Board, describing the composition of the Commission, eligibility criteria to vote and stand for office, and nomination and balloting procedures. The Policy shall be a public document.

## **PART XIII PROCEDURES FOR THE REGULATION OF PRODUCE**

1. On receipt of a request to regulate a product, not currently regulated, from the majority of Producers involved in the production of the crop in question, or their representatives, who hold the majority of production, the Commission may, at its discretion, schedule a General Meeting not more than 30 days following receipt of the request. If such a meeting is scheduled, the Commission, at its discretion may proceed as follows:
  - (a) A notice shall be drafted which sets out the time and place of the meeting as well as an agenda outlining the issues to be discussed at the meeting, including: pricing, Delivery or Production Allocations, packing, Producers' costs, intra-provincial, interprovincial and export trade, designated Agencies and any other matters of relevance.
  - (b) The Notice of Meeting and the Agenda shall be delivered to:
    - (i) all known Producers of the product in question;
    - (ii) Presidents of Agencies who would become involved if regulation of the product were approved;
    - (iii) representatives of the British Columbia Ministry of Agriculture; and
    - (iv) any other interested party of whom the Commission is aware.
  - (c) The Notice of Meeting will confirm that all interested parties will have an opportunity to make oral or written submissions to the Commission as specified by the Commission.
2. At the meeting referred to in Section 1 of this Part, if desired by a majority of Producers in attendance at the meeting who produce the product in question, a

committee may be struck to investigate and review the question of regulation and the concerns surrounding it.

- (a) If a majority chooses to strike a committee, the committee will, within 60 days report back to the Commission on its findings in writing and will distribute the report to all interested parties.
  - (b) Interested parties will have 30 days to respond to the report, in writing, to the Commission.
  - (c) At the end of the 30 day response period, a final meeting may be scheduled to discuss the report and interested parties will have a further opportunity to make oral or written submissions as specified by the Commission. The meeting will be held at a location convenient to the majority of interested parties and will take place before a quorum of the Commission. At this meeting, the Commission will hear oral submissions from interested parties and will identify the key issues surrounding the question of regulation. The Commission may collect further data it considers necessary including:
    - (i) the acreage/square meters currently planted by various Producers if applicable; and
    - (ii) the acreage/square meters planted or the recorded production in the immediately preceding Crop Year.
3. If it is not the wish of a majority of Producers in attendance at the initial meeting to strike a committee to review the question of regulation, all interest parties will be given an opportunity to express their concerns and to provide the Commission with whatever information is deemed relevant and of assistance. The Commission may choose to collect further data as necessary including that set out in Section 2 of this Part.
4. Not less than seven (7) days from the final meeting, the Commission will deliver to all Producers who produce the crop in question:
  - (a) ballot; and
  - (b) information explaining correct voting procedures, including when, where and to whom the voters must return the ballot.
5. In order for the vote to be counted, the ballot must be returned to the designated Person named by the Commission, in person or by mail, not later than the specified date.
6. Should there be any discrepancy between the acreage/square meters currently planted by a Producer as reported by the Producer and the information collected by the Commission, the Commission will meet with the Producer to resolve the discrepancy. Similarly, should there be any discrepancy between the acreage/square meters planted in the immediately preceding Crop Year as reported by the Producer and the information collected by the Commission, the Commission will meet with the Producer to resolve the discrepancy. The Commission retains the discretion to measure the acreage/square meters according to its own formula should agreement not be reached with a Producer.



7. After considering the various written and oral submissions of the interested parties as well as the results of the vote, a quorum of the Commission will meet in order to decide whether the commodity in question should be regulated.
8. If over 70 percent of those Producers who voted represent at least 70 percent of the tonnage produced or acreage/square meters planted, the Commission will be favourably disposed toward regulation. However, the Commission retains the discretion to regulate or not to regulate, notwithstanding the results of the vote.
9. The Commission's final decision on whether or not to regulate a commodity will be directed by the statutory mandate to promote, control and regulate the production, transportation, packing, storage and Marketing of the Regulated Product in a manner which encourages the production and orderly Marketing of high quality product.
10. The Commission will attempt to follow these procedures as closely as possible, but it retains the discretion to alter these procedures according to the specific concerns and practical implications arising from the particular situation before it.

## **PART XIV PROCEDURES FOR DESIGNATION OF AGENCIES**

1. The purpose of this Part is to facilitate and direct:
  - (a) the designation and appointment of new Agencies; and
  - (b) the conduct of periodic reviews of existing Agencies.
2. The designation of new Agencies and the review of existing Agencies may involve combinations of meetings scheduled by the Commission in its supervisory capacity and/or hearings conducted by the Commission to grant, review or revoke Agency designations.

### *Designating New Agencies*

3. Any business that wishes to be designated as an Agency shall apply to the Commission in writing. The application shall consist of a detailed business plan outlining the following considerations:
  - (a) the proposed Agency's short and long term goals;
  - (b) the rationale for establishing the proposed Agency including such factors as:
    - (i) an indication of marketplace requirements and potential requirements that the proposed Agency will address, including customer and Producer support;
    - (ii) a description of the benefits to the primary producers of Marketing the Regulated Product through the proposed Agency;
    - (iii) anticipated benefits to the industry as a whole;
    - (iv) possible consequences, beneficial or adverse, to other existing Agencies.
  - (c) the type of Regulated Product intended to be marketed;

- (d) the commencement date of the proposed Agency;
- (e) the method by which, and time limits through which, existing Producers may transfer to the proposed Agency;
- (f) steps taken to meet with, and seek the cooperation of, existing Agencies;
- (g) the identities of the principals of the proposed Agency;
- (h) the identities of all shareholders and/or individuals with a financial interest in the proposed Agency;
- (i) letters of commitment from Producers who wish to market Regulated Product through the proposed Agency;
- (j) a statement of financial worth, along with a forecast of the anticipated earnings, cash flow and sales forecasts to indicate the fiscal viability of the proposed Agency's operations;
- (k) a business licence;
- (l) the facilities out of which the proposed Agency will operate, including any office, warehouse or other facility;
- (m) the management and staff complement of the proposed Agency, including the marketing experience and skill level of staff;
- (n) the steps the proposed Agency wishes to take in relation to quality assurance, particularly with respect to such matters as:
  - (i) food safety including an acceptable trace-back and recall system for Regulated Product sold;
  - (ii) grade compliance;
  - (iii) handling and distribution;
  - (iv) record keeping;
  - (v) legal requirements; and
- (o) an assessment of market supply and demand in areas where the proposed Agency wishes to market the Regulated Product;
- (p) the names of customers who wish to purchase Regulated Product from the proposed Agency;
- (q) letters of commitment from proposed customers who wish to market Regulated Product from the proposed Agency;
- (r) letters of reference from financial institutions which support the establishment of the proposed Agency;
- (s) details of a proposed contingency plan which addresses how Producers would be paid for their product if the Agency encounters financial difficulties. This contingency plan may include the posting of a bond, a letter of credit or other security; and
- (t) details of a label or product identification system whose objective is not to create confusion with other Agencies or product identifications.

*Commission's Internal Investigation of a Proposed Agency Application*

4. Once a completed Agency application is received by the Commission, the Chair of the Commission shall designate a five-member panel of the Commission ("Panel") to consider the Agency application.

5. This Panel will meet with the proposed Agency in its supervisory capacity to discuss its Agency application. At this meeting, the proposed Agency will be required to present its application and to disclose all information relevant to its application.
6. Following this meeting, and three weeks prior to a hearing where interested parties within the industry will be given an opportunity to be heard, the proposed Agency will prepare a briefing document for distribution to interested parties; this briefing document shall be filed with the Commission who will then distribute it to interested parties. This briefing document must address all matters contained in the Agency application; only information of a confidential, competitive nature may be omitted.
7. In conjunction with the proposed Agency, the Commission shall establish a date for the public hearing and will distribute a Notice of Hearing to all interested parties.
8. The issues to be considered by the Commission at this hearing will include, but will not be limited to:
  - (a) whether there is a market requirement for another Agency and whether the designation of another Agency would benefit the industry as a whole;
  - (b) assuming there is a requirement for another Agency, whether the evidence as a whole supports the designation of the specific Agency in question;
  - (c) whether the proposed Agency has the expertise to operate as an Agency;
  - (d) whether the proposed Agency intends to follow Commission Orders and the enabling legislation and regulations;
  - (e) where applicable, whether the proposed Agency intends to apply for approval to increase the Marketing of Regulated Product and/or new Regulated Product; and whether the proposed Agency has Producer support.

*Criteria for Evaluating Proposed and Designated Agencies*

9. The Commission will consider the following criteria when recommending new Agencies and reviewing existing Agencies:
  - (a) whether all criteria and terms and conditions outlined above in this Part have been satisfied;
  - (b) whether a potential conflict of interest exists in the appointment of an Agency by the Commission; if the Commission determines that a potential conflict of interest exists, it will refer the matter to the BC Farm Industry Review Board;
  - (c) whether existing Agencies have been given adequate notice of the proposed Agency application, sufficient to enable submissions to the Commission of:
    - (i) oral and written comment and/or objections;
    - (ii) proposals for the coordination of the existing Agencies with the proposed Agency;
  - (d) whether affected Producers have been given the opportunity to address the proposal on the same basis as existing Agencies;
  - (e) the adequacy of the proposed contingency plan;
  - (f) whether the proposed Agency is aware of the Commission's General Orders and regulations concerning pricing, fees, levies, accounting requirements, record keeping and other related matters; and
  - (g) whether the proposed Agency is willing to cooperate with existing Agencies and

with the Commission to ensure that the Commission is able to carry out its governance responsibilities.

#### *Reviewing of Existing Agencies*

10. As considered necessary by the Commission in its discretion, a letter will be sent to a designated Agency or Agencies requesting a meeting to discuss ongoing operational issues which may be affecting the industry.
11. Following delivery of this letter, a meeting shall be scheduled with the Agency in question and an agenda will be drafted in cooperation with the Agency to address issues which may be of concern both to the Commission and the Agency. The Commission may review the Agency's operations at this time and may request further documentation from the Agency concerning volume of annual sales, grading, quality of product sold, and overall expenses of the Agency, as well as any issue the Commission deems relevant to the conduct of its responsibilities.
12. In cases where the Commission is of the view that the viability of an Agency is at serious risk, the Agency shall develop a plan, as directed by the Commission, to address issues that require attention.
13. At any time, when the Commission has serious concerns about the viability of an Agency, a hearing may be scheduled, at the discretion of the Commission, which will address whether the Agency designation should be continued, amended or revoked.
14. The designation of an Agency by the Commission is not a warranty concerning any aspect of the Agency's business, including the ability of the Agency to pay for products marketed by it.
15. The designation of an Agency is a privilege under the Act. It is non-transferable and it is not an approval in perpetuity. The designation of any Agency may be reviewed by the Commission upon any material changes in the conditions giving rise to its initial approval.
16. Any sale of all or a portion of an Agency by way of sale of assets or shares, must receive approval from the Commission. Without prior approval, the Agency designation in question will terminate.

## **PART XV      MARKETING OF "NEW" OR ADDITIONAL REGULATED PRODUCT BY EXISTING AGENCIES & PRODUCER-SHIPPERS**

1. No new or additional Regulated Product shall be marketed by existing Agencies *or* Producer-Shippers without Commission approval.
2. An Agency *or* Producer-Shipper seeking to market new or additional Regulated Product shall submit a Business Plan covering a period of time specified by the Commission which addresses matters relating to promotion, market development and planned expansion. In the case of agencies marketing regulated greenhouse crops, this

requirement will occur within the Procedures outlined under General Orders Part XVI and XVIII.

3. At its discretion, the Commission may determine whether a hearing will be held, in either oral or written form, concerning the application by an existing Agency *or* Producer-Shipper to market new or additional Regulated Product. In exercising its discretion, the Commission will consider:
  - (a) if and how other existing Agencies / Producer-Shippers, if any, will be affected;
  - (b) how the Commission will notify interested parties of the application and its decision to approve or dismiss the application.
4. The Commission shall consider:
  - (a) what benefits, if any, not currently available to Producers will accrue to them if new or additional Regulated Product is marketed by the Agency / Producer-Shipper;
  - (b) whether the Agency / Producer-Shipper has sufficient staff with the necessary experience to market the new or additional Regulated Product;
  - (c) whether a market exists for the new or additional Regulated Product; and
  - (d) whether the new or additional Regulated Product would enhance orderly Marketing.

## **PART XVI PRODUCTION AND DELIVERY ALLOCATIONS – GENERAL**

1. The purposes of the Delivery and Production Allocation Procedures contained in Part XVII and Part XVIII are to identify the principles and guidelines by which the Commission will support and enhance a regulated marketing system for the intraprovincial, interprovincial and export trade of regulated crops. These purposes include:
  - (a) The preservation of market access for Producers who have served the market over time.
  - (b) The provision of access for new entrants.
  - (c) The desire to create and maintain long-term, sustainable, food safe, farming and greenhouse operations.
  - (d) The provision of opportunity for industry growth.
  - (e) The provision of an orderly marketing system.
2. In the event a Producer or any other Person realizes a benefit or advantage in regard to the application of the Procedures contained in Part XVII and Part XVIII, or the utilization of or access to Delivery or Production Allocations, that are not consistent with the object and purpose of these Procedures, the Commission may deny such Producer or Person that benefit or advantage and may interpret these Procedures in a manner consistent with the object and purpose of the policy as articulated in section 1 of this Part.
3. Delivery and Production Allocations are a privilege granted by the Commission under a Producer's license. Delivery and Production Allocations shall have no monetary value.

4. Only Persons eighteen (18) years of age and over and holding a valid Producer's licence from the Commission may hold or be assigned Delivery or Production Allocations.
5. Only Persons holding Canadian citizenship or Permanent Resident Status may hold Delivery or Production Allocations. If the applicant for a Delivery or Production Allocation is a corporate applicant, then 51% common beneficial ownership must be retained by a Person or Persons holding Canadian citizenship or Permanent Resident Status.
6. A change of name on a registration or a Delivery or Production Allocation does not necessarily constitute a transfer of a Delivery or Production Allocation.
7. A change of name on a registration of a Delivery or Production Allocation does not negate any Grower Marketing Agreement between a Producer and an Agency.
8. Throughout the Regulated Area Delivery and Production Allocation is transferable between and among licensed producers and prospective producers intending to obtain a producer license. For the purpose of reaching decisions and determinations regarding the transfer of Production and Delivery Allocation the VMC will rely on what is provided for in Part XVII of this General Order as well as policies established regarding Production and Delivery Allocation transfer, which may change from time to time.
9. Designated Agencies having the authority to market storage crops are to use each individual producer's assigned Delivery Allocation for the purpose of determining the Producer's delivery opportunity in accordance with the established Delivery Allocation period.

## **PART XVII PROCEDURE FOR DETERMINING DELIVERY ALLOCATION FOR STORAGE CROPS**

1. This Part covers Storage Crops as defined in Part I (5), *as follows*:  

*“Storage Crops” mean potatoes, onions, parsnips, cabbage, carrots, beets, rutabagas, white turnips and any other crop designated by the Commission.*
2. Only Regulated Product shipped through an Agency *or Producer-Shipper* of the Commission shall be used for the calculation of Delivery Allocation levels or adjustments for Crops under this Part.
3. Delivery Allocations shall be established on a rolling 5-year average for Storage Crops, unless otherwise directed by the Commission.
4. Subject to section 5 and 6 in this Part, no Producer shall ship a quantity of Storage Crops in excess of their Delivery Allocation, unless otherwise authorized by the Commission.
5. Delivery Allocation within a period does not commence until supply exceeds demand.

Any shipments made within a Delivery Allocation period prior to commencement of Delivery Allocation will count towards the building of Delivery Allocation.

6. After one round (100 percent) of all Delivery Allocations has been shipped for any Storage Crop in any Delivery Allocation period, Delivery Allocations shall be awarded equally to each registered producer. For the purposes of this section registered Producers operating as a Family Unit may be grouped together and in those instances the Family Unit will receive the Delivery Allocation of only one registered Producer.
7. Where a Producer is called to provide Regulated Product and cannot or will not supply the Regulated Product demanded by the market, that Producer will be bypassed and will be deemed to have shipped the quantity of Regulated Product requested, and other Producers will be contacted. Producers holding a Delivery Allocation will be contacted first and new Producers will be contacted if Producers holding a Delivery Allocation cannot supply the Regulated Products requested.
8. Regulated Product produced outside of British Columbia shall not be used to fill or increase a Delivery Allocation for a Producer.
9. Regulated Product produced by one Producer may not be used to fill or increase a Delivery Allocation of another Producer.
10. Unless there are special circumstances, if a Producer ceases production for two consecutive years, then the Commission shall rescind their Delivery Allocation.
11. If a Producer is found guilty of violating a Commission Order, the Commission shall have the authority, in addition to any other measures set out in these orders, to suspend a Producer's Delivery Allocation for a period of time. Sales made during the period of violation will not be allowed to build Delivery Allocation.

#### *Transfer of Delivery Allocations*

12. Except in extenuating circumstances, transfer of a Delivery Allocation by any Producer can only take place once a year and is subject to the following conditions:
  - (a) all applications for transfer of a Delivery Allocation must be on a form prescribed by the Commission;
  - (b) all applications for transfer of Delivery Allocations must be filed with the Commission not later than December 31;
  - (c) unless otherwise specified by the Commission, all transfers of Delivery Allocation shall take effect the following crop year; and
  - (d) VMC decisions regarding Delivery Allocation transfers are to be in writing and issued to the transferor and the transferee(s) by March 1.
13. Only that portion of a Delivery Allocation that has been determined to be Earned

Delivery Allocation will be eligible for transfer.

14. Only the entirety of the assigned Delivery Allocation for a certain regulated crop for each respective delivery allocation period is eligible for transfer. Partial transfers of Delivery Allocation will only be permitted when the transferor and transferee(s) are family members.
15. Except for extenuating circumstance any Delivery Allocation earned or acquired must be used by the licensed Producer for a minimum of two (2) consecutive years before it may be eligible for transfer.
16. Delivery Allocation periods for Storage Crops shall be as set out in Schedule VI – *Delivery Allocation Periods for Storage Crops*.

## **PART XVIII PROCEDURES FOR ASSIGNING PRODUCTION ALLOCATIONS FOR GREENHOUSE CROPS**

1. All other Parts of the General Orders apply to Greenhouse Vegetable Crops except for Part XI and Part XVII.
2. The Commission may make rules or determinations, or may establish, continue or terminate programs and policies, consistent with the Act and the Scheme and without limiting the generality of the foregoing may:
  - (a) assist with market coordination;
  - (b) assemble and disseminate relevant industry information;
  - (c) support education, research and innovation;
  - (d) support or conduct advertising, educational, promotional and research programs,
  - (e) establish quality standards; and,
  - (f) assist growers in achieving acceptable on-farm food safety standards.

### *Greenhouse Vegetable Production Allocation*

3. Only Persons assigned one or more Greenhouse Vegetable Production Allocations may produce Greenhouse Vegetable Crops in British Columbia and a Greenhouse Vegetable Production Allocation may only be used as approved by the Commission.
4. A Greenhouse Vegetable Production Allocation is specific to a Greenhouse Vegetable Crop.
5. A person may use up to 500 square meters (m<sup>2</sup>) of the aggregate of his Greenhouse Vegetable Production Allocations for research or market trials without impacting his approved Greenhouse Vegetable Production Allocation.



*Marketing a Greenhouse Vegetable Crop*

6. A greenhouse vegetable Producer shall, with the approval of the Commission, market his Greenhouse Vegetable Crop to an Agency, or directly if licensed as a Producer-Shipper in accordance with Part VIII of these Orders.
7. A greenhouse vegetable Producer marketing a designated specialty crop may, with the approval of the Commission and subject to any existing commercial agreements or contracts between the Producer and his Agency, market that portion of his Greenhouse Vegetable Production Allocation dedicated to specialty or organic crops as a Producer-Shipper in accordance with Part VIII of these Orders.

*Applications for New Greenhouse Vegetable Production Allocation*

8. Applications for new or additional Greenhouse Vegetable Production Allocation may be made to the Commission by licensed Producers or prospective new producers at any time.
9. An applicant for new or additional Greenhouse Vegetable Production Allocation must satisfy the Commission that he:
  - (a) possesses or has access to sufficient capital to complete the proposed greenhouse and bring it into production, and
  - (b) has a marketing plan acceptable to the Commission or can confirm to the Commission that he has an agreement with an Agency to market his production, and
  - (c) has the knowledge or employs or intends to employ a person or persons with sufficient horticultural knowledge so as to be likely to produce a high quality product, and
  - (d) undertakes to remain informed of and comply with Commission Orders as amended from time to time.
10. All applications for new or additional Greenhouse Vegetable Production Allocation must include an application fee in an amount established from time to time.
11. Applications for new Greenhouse Vegetable Production Allocation will be processed as follows:
  - (a.) Prior to starting construction of a new greenhouse facility, Producers are required to make application in writing on a form prescribed by the Commission.
  - (b.) Producers will be required to demonstrate, at a minimum, the date at which they anticipate setting seed in a propagation facility and that they have a marketing plan, a production plan and financial capability to construct and operate the facility and/or increased capacity applied for.
  - (c.) Upon receiving notice of conditional approval for new greenhouse vegetable Production Allocation at its discretion the Commission may require the applicant to provide performance security within 30 days of receiving such notice with the

form of the security to be in the form of a cash deposit or an irrevocable letter of credit made in favour of the Commission equivalent to \$1.00 per square metre of the approved new production area.

- (d.) Failure to make the performance deposit within 30 days of receiving conditional approval will result in the Commission immediately revoking the approval.
- (e.) The Producer will keep the Commission apprised of construction progress by providing the date when footings are installed and the date when the greenhouse is scheduled to be completed.
- (f.) Should the Producer encounter delays or circumstances which may or will impact the anticipated seed setting date, the Producer will immediately provide the Commission with the revised seed setting date and the reasons for the change.
- (g.) The Producer will advise the Commission, in writing, at least 30 days in advance of seed set in the propagation house that plants are being started for the new capacity.
- (h.) The Producer will advise the Commission, in writing, confirming the date when propagated plants were placed in the new greenhouse facility.
- (i.) In keeping with established Commission policy pertaining to performance security for conditionally approving new greenhouse vegetable Production Allocation upon demonstrating to the Commission's satisfaction that the subject greenhouse vegetable crop is set out in the greenhouse facility as seedlings the performance security placed with the Commission is to be returned.
- (j.) Should the Producer abandon the construction of the new facility the Commission will be advised, in writing, that the project is being abandoned and the reasons for the abandonment.
- (k.) Upon abandoning the project, the Commission will cancel the conditionally approved Production Allocation and will return the performance security deposit less a 10% commitment fee.

#### *Changing Between Greenhouse Vegetable Crops*

- 12. A Person who wishes to change his Greenhouse Vegetable Production Allocation from one Greenhouse Vegetable Crop to another must apply to, and obtain permission from, the Commission prior to making any changes.
- 13. Applications to change from one Greenhouse Vegetable Crop to another may be made at any time during the year.

#### *Changing Type within a Greenhouse Vegetable Crop*

- 14. A person who intends to change the Type of his Greenhouse Vegetable Crop must

notify the Commission in writing on a form prescribed by the Commission prior to making any changes.

#### *Suspending or Cancelling a Greenhouse Vegetable Production Allocation*

15. Subject to paragraph 16, if a person ceases greenhouse vegetable production in all or part of his Greenhouse Vegetable Production Allocation for one year, all or a portion of the Greenhouse Vegetable Production Allocation may be cancelled.
16. A person holding a Greenhouse Vegetable Production Allocation and not intending to produce greenhouse vegetables for one year regarding the entirety or a part of the assigned greenhouse vegetable Production Allocation may make advance application in writing for preserving the Greenhouse Vegetable Production Allocation and the Commission may approve the request.
17. A Person earlier approved for the preservation of assigned Greenhouse Vegetable Production Allocation as provided for in Section 16 may make advance application in writing to the Commission requesting that preservation of the Greenhouse Vegetable Production Allocation continue beyond the initial one year period and the Commission may approve such requests.
18. The Commission may cancel or suspend a Producer's Greenhouse Vegetable Production Allocation for cause if the continued use of the Greenhouse Vegetable Production Allocation puts other Producers or Producer-Shippers at material risk of injury.

## **PART XIX PRICING PROCEDURES**

1. When implemented, the purposes of the Commission pricing procedures are to: provide a coordinated approach to the marketplace, maximize the market returns for Regulated Product, maximize market penetration, establish base prices for all Agencies, and Producer-Shippers, and ensure Agencies and Producer-Shippers are as competitive as necessary, and regularly monitor Agency sales.
2. Should minimum pricing procedures for regulated produce be implemented, the Commission will consult with the affected Agencies and Producer-Shippers and establish minimum selling prices as often as necessary. Any Regulated Product sold by an Agency or Producer-Shipper to a buyer must be invoiced at a price not less than the prevailing provincial minimum price.
3. Agencies and Producer-Shippers may, with the prior knowledge and approval of the Commission, be allowed to give advertising discounts or volume discounts for advertised specials, which are below the Commission minimum price.

## **PART XX DIRECT MANIFEST SALES**

1. The purpose of this Manifest Sales system is to allow Producers to supply local product directly to smaller outlets who are not customers of any Agency or any other Person specified by the Commission; this system is not intended to create a Producer-against-Producer or Producer-against-Agency conflict.
2. An Agency shall obtain Commission approval before instituting a Manifest Sales program having the purpose to facilitate such sales only to occur within the Regulated Area.
3. Prior to shipping any Regulated Product to any consumer, a Producer must obtain the approval of the Agency through which the Commission has directed it shall market its Regulated Product. The Producer shall not interfere with Agency-direct sales.
4. At the request of the Commission, an Agency shall provide an Agency customer list that clearly defines which customers are not eligible for Manifest Sales purchases. The list may be updated at any time by the Agency, filed with the Commission, and re-distributed to the Agency's Producers. When authorizing Manifest Sales, the Agency must ascertain that the sales are to customers that are not customers of the Agency.
5. Manifest Sales shall not be made to Brokers, Wholesalers, Processors, Producers, Producer-Shippers, Commission Salespersons or to any other Persons prohibited by the Commission, as may be stipulated by the Commission.
6. All sales under this Part shall be recorded on an Agency manifest or invoice with a Transport Order number approved by the sales manager of that Agency.
7. All invoices shall comprise at least 3 copies:
  - (a) Customer copy
  - (b) Agency copy
  - (c) Producer copy
8. All sale invoices shall be complete with:
  - (a) Customer's name and address, Producer's name and Licence Number;
  - (b) all details of produce sale including grade, price and total pounds of each type of Regulated Product delivered;
  - (c) Agency name and address; and
  - (d) manifest sale or transport number.
9. All Regulated Product sold under this Part:
  - (a) unless otherwise directed by the Commission, shall have a 15 percent minimum mark-up above the minimum price set by the Commission, taking into consideration wholesale spread, cost of delivery and services provided. Agencies shall publish a sales price list to be sent to Producers weekly;
  - (b) shall meet Canada No. 2 Standard Grade or better;
  - (c) shall comply with like Regulated Product sold by Agencies (i.e., clean Containers and washed product where applicable); and

- (d) shall be identified with a tag or label that identifies the Producer making the sale.
10. A Producer is directly responsible for:
    - (a) the grade of Regulated Product, any detention or seizure of Regulated Product and any costs related to the sale that may occur;
    - (b) the collection of all amounts owing from their own manifest sales; and
    - (c) packaging materials; Regulated Product shall not be sold in Agency packaging materials without the prior approval of the Agency.
  11. All sales by the Manifest system shall be reported to the Agency's sales desk:
    - (a) with a copy of the invoices in detail; and
    - (b) an agency fee approved by the Commission; and
    - (c) on a daily basis, unless otherwise approved by the Commission.
  12. The Agency shall also be responsible for collecting all fees approved by the Commission and any other assessment that may occur from time to time (e.g., promotion, research, or anti-dumping levies).
  13. All sales transactions completed under this Part may only be made within the Province.
  14. Reported sales, for Storage Crops only, will qualify to build Delivery Allocation provided sales invoices are documented properly and processed through an Agency, regardless of whether the Producer is actually able to collect monies from the sale.
  15. A Producer must have a confirmed sale prior to delivery and must have his manifest sale invoices completed with all the required information set out in Section 8 of this Part.
  16. If an Agency suspects one of its Producers is not acting in compliance with this Part, the Agency shall provide the Producer's name and the customer name and location to the Commission for investigation.

## **PART XXI MISCELLANEOUS**

1. Annual General Meetings of the Commission will be held by April 30<sup>th</sup> each year in a location to be determined by the Commission.
2. The Commission may issue a Certificate of Authority, which authorizes a Person to perform specific tasks on behalf of the Commission under the direction of the Commission within a specified time frame.

### *Commissioner and Employee Indemnification*

3. If an action or prosecution is brought against a Commission member or employee in connection with the performance of the person's duties, the Commission will, subject to Sections 4 and 5, pay amounts required for the protection, defence or indemnification of the member, or employee.

4. The Commission will not pay a fine that is imposed on a member or employee as a result of the person's conviction for a criminal offence.
5. The Commission will not pay amounts required for the protection, defence or indemnification of the member or employee in respect of any action of the person that results in a claim for damages if:
  - (a) the claim arises out of the gross negligence of that person, or
  - (b) in relation to the action that gave rise to the claim against a member or employee, he or she wilfully acted contrary to the Commission's recognized policies or procedures or contrary to the order of a superior.

*Effective Date*

6. These General Orders shall come into operation on March 16<sup>th</sup> 2005.

Dated at Delta, British Columbia this 16<sup>th</sup> day of March 2005.

BC VEGETABLE MARKETING COMMISSION



---

George Leroux, Chair

## Schedule I      **Regulated Crops Designated Agencies Authorized to Market**

1. **BC Hothouse Foods Inc.** is hereby designated as an Agency through which greenhouse tomatoes, greenhouse peppers, and greenhouse cucumbers grown in the Regulated Area may be packed and stored and shall be Marketed unless otherwise ordered by the Commission.
2. **Country Fresh Produce Inc.** is hereby designated as an Agency through which greenhouse tomatoes, greenhouse peppers, and greenhouse cucumbers grown in the Regulated Area may be packed and stored and shall be Marketed unless otherwise ordered by the Commission.
3. **Fraserland Organics Inc.** is hereby designated as an Agency through which organic potatoes grown in the Regulated Area may be packed and stored and shall be Marketed unless otherwise ordered by the Commission.
4. **Global Greenhouse Produce Inc.** is hereby designated as an Agency through which greenhouse tomatoes, greenhouse peppers and greenhouse cucumbers grown in the Regulated Area may be packed and stored and shall be Marketed unless otherwise ordered by the Commission.
5. **Greenhouse Grown Foods Inc.** is hereby designated as an Agency through which greenhouse tomatoes, greenhouse peppers, greenhouse cucumbers and greenhouse butter lettuce grown in the Regulated Area may be packed and stored and shall be Marketed unless otherwise ordered by the Commission.
6. **Okanagan Grown Produce Ltd.** is hereby designated as an Agency through which greenhouse cucumbers, greenhouse tomatoes, greenhouse butter lettuce, beets (tops off), green cabbage, red cabbage, carrots (tops off), yellow onions, parsnips, potatoes, rutabagas and white turnips grown in the Regulated Area may be packed and stored and shall be Marketed unless otherwise ordered by the Commission.
7. **Island Vegetable Co-operative Association,** is hereby designated as an Agency through which greenhouse bell peppers, beets (tops off), green cabbage, red cabbage, carrots (tops off), yellow onions, parsnips, potatoes, rutabagas and white turnips grown in the Regulated Area may be packed and stored and shall be Marketed unless otherwise ordered by the Commission.
8. **BC Fresh Vegetables Inc.** is hereby designated as an Agency through which greenhouse tomatoes, greenhouse peppers, greenhouse cucumbers, beets (tops off), green cabbage, red cabbage, carrots (tops off), yellow onions, parsnips, potatoes, rutabagas, white turnips and organic storage crops except potatoes grown in the Regulated Area may be packed and stored and shall be Marketed unless otherwise ordered by the Commission.
9. **Vancouver Island Farm Products Inc.** is hereby designated as an Agency through which greenhouse peppers, greenhouse cucumbers, beets (tops off), green cabbage, red cabbage, carrots (tops off), yellow onions, parsnips, potatoes, rutabagas and white turnips grown in the Regulated Area may be packed and stored and shall be Marketed unless otherwise ordered by the Commission.
10. **V. I. P. Produce Ltd.** is hereby designated as an Agency through which greenhouse tomatoes, greenhouse peppers, greenhouse cucumbers, beets (tops off), green cabbage, red cabbage, carrots (tops off), yellow onions, parsnips, potatoes, rutabagas and white turnips grown in the Regulated Area may be packed and stored and shall be Marketed unless otherwise ordered by the Commission.
11. **VF Operations Canada Inc.** is hereby designated as an Agency through which greenhouse tomatoes, greenhouse peppers and greenhouse cucumbers grown in the Regulated Area may be packed and stored and shall be Marketed unless otherwise ordered by the Commission.

Amended – June 17, 2010  
August 22, 2012  
June 1, 2013  
January 22, 2014

## **Schedule II    Regulated Vegetables**

### Storage Crops

Beets (tops off); Green Cabbage; Red Cabbage; Carrots (tops off); Parsnips; Rutabagas; White (purple top) Turnips; Yellow Onions; and Potatoes (all types and varieties) when the end use is not for seed.

### Greenhouse Crops

Cucumbers (all types); Tomatoes (all types); Peppers; (all types); and Butter Lettuce

### Processing Crops

Peas, Beans, Corn, Broccoli, Brussels sprouts, Cauliflower, Potatoes (all types and varieties) and Strawberries when the end use is manufacture/processing.

Amended: August 22, 2012



## Schedule III Annual Licence Fees

Effective February 1, 2013

Licensee	Class 1	Class 2	Class 3	Class 4	Class 5
<b>Designated Agency</b>					
\$500 plus an amount equivalent to 0.025% of annual sales*	Base amount	Class 1 times 2	Class 1 times 3	Class 1 times 4	Class 1 times 5
<b>Producer</b>	\$250	\$1,250	\$2,500	\$12,500	\$50,000
<b>Producer - Shipper</b>					
\$500 plus an amount equivalent to 0.025% of annual sales*	Base amount	Class 1 times 2	Class 1 times 3	Class 1 times 4	Class 1 times 5
<b>Processor</b>	\$1,000	\$2,000	\$6,000	\$10,000	N/A
<b>Wholesaler</b>	\$1,000	\$2,000	\$6,000	\$10,000	N/A
<b>Commission Salesperson</b>	\$1,000	\$2,000	\$6,000	\$12,000	N/A

\*Annual Sales based on most recently completed financial statement

## Schedule IV - BCVMC Levies and Charges

		Administration Levy		Research & Industry Development Levy	
		Volume Based	Area Based	Volume Based	Area Based
Greenhouse Crops					
	Producer	nil	\$0.046/sq. m	nil	<b>\$0.14/sq.m</b>
	Producer-Shipper	nil	\$0.046/sq. m	nil	<b>\$0.14/sq.m</b>
Storage Crops					
	All Producers – Fresh Crops Except Potatoes	\$2.81/ton	nil	\$0.11/ton	nil
	All Producers – Fresh Potatoes	\$5.42/ton	nil	\$0.11/ton	nil
	All Producers – Contract Crops Except Potatoes	\$2.26/ton	nil	\$0.11/ton	nil
	All Producers – Contract Potatoes	\$4.87/ton	nil	\$0.11/ton	nil
	All Producers – Cabbage, Rutabagas & Turnips	nil	nil	\$0.50/ ton	nil
Processing Crops					
	All Producers –Broccoli, Brussels Sprouts, Cauliflower	\$3.05 /ton	nil	nil	nil
	All Producers – Peas	\$3.30/ton	nil	nil	nil
	All Producers – Beans	\$2.68/ton	nil	nil	nil
	All Producers – Strawberries	\$2.10/ton	nil	nil	nil

Approved: June 17, 2015

## Schedule V      Specialty Greenhouse Vegetables

<b>TOMATOES</b>	<b>PEPPERS</b>	<b>CUCUMBERS</b>
Cocktail	Mini	Mini
Roma	Baby Bells	Mini Cocktail
Strawberry	Sweet Tooth	
Cherry	Hot	
Grape		
Mini - [gems, teardrop and berry]		

## Schedule VI

### Delivery Allocation Periods for Storage Crops

#### POTATOES

<b>Delivery Allocation Category</b>	<b>Period A</b>	<b>Period B</b>	<b>Period C</b>	<b>Period D</b>
Potato - Non Count Size Russet	start of new crop to July 31	August 1 to September 30	October 1 to January 31	February 1 to end of old crop
Potato - Count Size Russet	start of new crop to July 31	August 1 to September 30	October 1 to January 31	February 1 to end of old crop
Fresh Potatoes – White	start of new crop to July 31	August 1 to September 30	October 1 to January 31	February 1 to end of old crop
Fresh Potatoes – Red, Yellow and Other Colours	start of new crop to July 31	August 1 to September 30	October 1 to January 31	February 1 to end of old crop
	<b>Period 1</b>	<b>Period 2</b>	<b>Period 3</b>	
Food Service	August 1 to September 30	October 1 to April 30	May 1 to July 31	

#### RUTABAGAS

	<b>Period A</b>	<b>Period B</b>	<b>Period C</b>
Rutabagas	Commencement of crop to July 15	July 16 – August 31	September 1 to end of crop

#### OTHER STORAGE CROPS

<b>Crop</b>	<b>Period</b>
Beets (tops off)	Monthly
Cabbage Red & Green	Monthly
Carrots (tops off)	Monthly
Yellow Onions	Monthly
Parsnips	Monthly
White (Purple Top) Turnips	Monthly

Approved – May 13, 2013  
Amended – August 1, 2013