

B. C. Vegetable Marketing Commission

AMENDING ORDER # 49 REPLACING AMENDING ORDER # 46

TO THE BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION GENERAL ORDER OF MARCH 16, 2005, AS AMENDED

MADE BY THE BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION February 8, 2019

The British Columbia Vegetable Marketing Commission General Order of March 16, 2005, as amended, is further amended with the Marketing Commission orders as follows:

1. Section 5 – Interpretation – of **PART I INTRODUCTORY** – of the General Order is amended to include the following definitions:

“First-Instance Packinghouse” means a person who operates a facility where Raw Regulated Product is delivered for the purpose of washing, sorting, grading, sizing, or packing directly into a container for sale, but does not include an Agency or a Producer Shipper with such facilities.

“Raw Regulated Product” means regulated product that has not yet been washed, sorted, graded, sized or packed directly into a container for sale

2. **PART IV LICENSING** of the General Order be amended to include a new licence category titled Licences – First-Instance Packinghouse and sections 1 through 4 as follows:

Licences – First-Instance Packinghouse

1. *A person is authorized to act as a First-Instance Packinghouse only if:*
 - a) *The person is registered with the Commission and is designated as a First-Instance Packinghouse of the Commission;*
 - b) *The person holds a valid and subsisting First-Instance Packing House Licence issued by the Commission;*
 - c) *The person is compliant with all applicable CFIA standards and food safety requirements; and*
 - d) *The person pays to the Commission annually the fees for such licence as described in Schedule III to these General Orders.*
2. *A Class I First-Instance Packing House Licence may be issued on the initial application to the Commission or on any subsequent application if that person has not had a First-Instance Packing House Licence of any class suspended or cancelled pursuant to Section 3.*
3. *If a First-Instance Packing House Licence is suspended or cancelled, the Commission may issue a Class II, Class III, Class IV or Class V First-Instance Packing House licence at its discretion; such a classification will be for a minimum of one year unless otherwise ordered by the Commission.*

4. *No person shall receive Raw Regulated Product from a Producer for the purpose of washing, sorting, grading, sizing, or packing directly into a container for sale, except for:*
 - a) *A First-Instance Packinghouse that is duly licensed and in good standing with all applicable provisions herein;*
 - b) *An Agency that operates a facility where Raw Regulated Product is delivered for the purpose of washing, sorting, grading, sizing, or packing directly into a container for sale; or*
 - 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.*

5. *A First-Instance Packinghouse must be assigned to a designated Agency or to a Producer Shipper. Unless otherwise ordered by the Commission, no other Agency or Producer Shipper shall receive regulated product from a First-Instance Packinghouse without approval of the assigned designated Agency or Producer Shipper, as the case may be.*

6. *No person may ship Regulated Product from a First-Instance Packinghouse other than:*
 - a) *the designated Agency assigned to that First-Instance Packinghouse;*
 - b) *the Producer Shipper assigned to that First-Instance Packinghouse; or*
 - 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*

7. *The First-Instance Packinghouse licence is handled as part of the agency / producer-shipper licensing process, as the case may be. Where an agency applies for a packing-house licence, the grower marketing agreement (GMA) between a producer and an agency is to assign a packinghouse to the producer.*

3. Section 14 be added to **PART IX GENERAL PROHIBITIONS** of the General order as follows:

14. A wholesaler cannot be licensed as a First-Instance Packinghouse for an assigned or designated agency, unless authorized by Order of the Commission.

4. **Schedule III Annual Licence Fees** is amended with the addition of the First-Instance Packinghouse licence category and fee structure as follows:

Licensee	Class 1	Class 2	Class 3	Class 4	Class 5
First-Instance Packinghouse	\$ -	\$1,250	\$2,500	\$12,500	\$50,000

Sections 1, 2, 3 and 4 of this Order come into effect February 28th, 2019.

DATED at Surrey, British Columbia on February 28th, 2019.

BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION



 Debbie Etsell, Chair



 Hugh Reynolds, Secretary