



# BCVMC

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**BC VEGETABLE MARKETING COMMISSION**

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# General Order

## Unofficial Consolidated Version

**NOTE TO READER:** This version of the General Order is an unofficial consolidation of Orders made by the British Columbia Vegetable Marketing Commission as of [date]. Parts of the General Order may have been amended or repealed after that date and may not be reflected in this version.

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

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Promulgated: May 29, 2024

General Order

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## Table of Contents

<b>PURPOSE OF ORDER.....</b>	<b>5</b>
POWER TO EXEMPT.....	5
APPLICATION .....	6
AUTHORITY OF COMMISSION .....	6
<b>COMMISSION BOARD MEMBERS.....</b>	<b>6</b>
ANNUAL GENERAL MEETINGS .....	6
CERTIFICATES OF AUTHORITY.....	6
COMMISSIONER AND EMPLOYEE INDEMNIFICATION .....	6
<b>BOOKS AND RECORDS.....</b>	<b>7</b>
REQUIREMENT TO KEEP RECORDS AND INFORMATION .....	7
<b>COMPLIANCE AND ENFORCEMENT.....</b>	<b>7</b>
<b>LEVIES AND SERVICE FEES.....</b>	<b>8</b>
<b>LICENSING.....</b>	<b>8</b>
GENERAL.....	8
ISSUANCE, CANCELLATION OR SUSPENSION OF LICENSES.....	9
<b>REQUEST TO REGULATE A NEW PRODUCT .....</b>	<b>10</b>
<b>MARKETING OF REGULATED PRODUCT.....</b>	<b>10</b>
<b>DELIVERY AND PRODUCTION ALLOCATIONS .....</b>	<b>10</b>
GENERAL.....	11
<b>GRANTING DELIVERY ALLOCATION FOR STORAGE CROPS .....</b>	<b>12</b>
GENERAL.....	12
TRANSFER OF DELIVERY ALLOCATIONS .....	13
<b>GRANTING PRODUCTION ALLOCATION FOR GREENHOUSE CROPS .....</b>	<b>14</b>
GENERAL.....	14
MARKETING A GREENHOUSE VEGETABLE CROP .....	14
APPLICATIONS FOR NEW GREENHOUSE VEGETABLE PRODUCTION ALLOCATION .....	15
CHANGING BETWEEN GREENHOUSE VEGETABLE CROPS .....	17
CHANGING TYPE WITHIN A GREENHOUSE VEGETABLE CROP .....	17
SUSPENDING OR CANCELLING A GREENHOUSE VEGETABLE PRODUCTION ALLOCATION .....	17
<b>PRODUCERS.....</b>	<b>18</b>

**AGENCIES ..... 18**

    GENERAL..... 18

    AGENCY – WHOLESALER RELATIONSHIP ..... 19

    PRODUCTS OF UNMARKETABLE QUALITY ..... 19

    TRANSFER OF PRODUCERS BETWEEN AGENCIES..... 19

    AGENCY RESPONSIBILITIES ..... 20

    REVIEW OF EXISTING AGENCIES ..... 21

**FIRST-INSTANCE PACKINGHOUSE ..... 21**

**PRODUCER–SHIPPER ..... 22**

    GENERAL..... 22

    RESPONSIBILITY TO MARKET ..... 22

    REPORTING REQUIREMENTS..... 23

    LEVIES AND SERVICE FEES ..... 23

    LIMITATIONS ON PRODUCER-SHIPPIERS..... 23

**PROCESSORS..... 24**

    PRODUCTS OF UNMARKETABLE QUALITY ..... 24

**WHOLESALERS ..... 24**

**MINIMUM PRICING..... 25**

**MARKETING OF NEW OR ADDITIONAL REGULATED PRODUCT ..... 26**

**MANIFEST SALES ..... 26**

**MARKETING REGULATED PRODUCT FOR PROCESSING ..... 28**

    GENERAL PROVISIONS..... 28

    PROCESSING CROP MASTER COMMITTEE ..... 29

    PROCESSING CROP NEGOTIATING COMMITTEES..... 30

    PROCESSING CROP NEGOTIATING COMMITTEE PROCEDURES..... 30

    PROCESSING CROP CONTRACTS ..... 31

**EXEMPTIONS ..... 31**

**GRADING AND PACKING ..... 33**

**PROVISIONS SPECIFIC TO STRAWBERRY PROCESSING ..... 34**

**NEW REGULATED ENTITY ENTRANT PROGRAM ..... 35**

    GENERAL..... 35

    PRODUCERS (NEW ENTRANT) ..... 35

    AGENCIES (NEW ENTRANT) ..... 35

*Application for Agency Status* ..... 35

Promulgated: May 29, 2024

General Order

<i>Review of Applications by the Commission</i> .....	36
PRODUCER-SHIPPERS (NEW ENTRANT) .....	36
<b>REPEAL AND TRANSITION</b> .....	<b>36</b>
<b>COMMENCEMENT</b> .....	<b>37</b>
<b>SCHEDULE I - REGULATED PRODUCTS AGENCIES AUTHORIZED TO MARKET</b> .....	<b>38</b>
<b>SCHEDULE II - REGULATED CROPS</b> .....	<b>39</b>
<b>SCHEDULE III - ANNUAL LICENCE FEES</b> .....	<b>40</b>
<b>SCHEDULE IV - BCVMC LEVIES AND CHARGES</b> .....	<b>41</b>
<b>SCHEDULE V - SPECIALTY GREENHOUSE VEGETABLES</b> .....	<b>42</b>
<b>SCHEDULE VI - DELIVERY ALLOCATION PERIODS FOR STORAGE CROPS</b> .....	<b>43</b>
<b>SCHEDULE VII – ANNUAL LICENCE RENEWAL CYCLE</b> .....	<b>44</b>
<b>SCHEDULE VIII– APPLICATION FEES AND SERVICE FEES</b> .....	<b>45</b>

1. In this General Order:

“**Act**” means the Natural Products Marketing (BC) Act.

“**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.

“**Arms-length**” means the parties engaged in a transaction act independently, have the same access to information about each other and the transaction, have the ability to negotiate freely without the other party imposing any course of action upon them, and act in their own self-interest.

“**BC No. 1 Grade**” means a label used by an Agency for marketing purposes in BC only.

“**BC No. 2 Grade**” means a label used by an Agency for marketing purposes in BC only.

“**Biosecurity Program**” means a program that, for the purpose of protecting and promoting the safety of a natural product, does one or more of the following:

- (a) establishes standards or certification programs;
- (b) requires persons engaged in the production of the natural product to:
  - (i) meet established standards,
  - (ii) be certified according to an established program,
  - (iii) take specified measures,
  - (iv) implement specified procedures or procedures for specified purposes,
  - (v) keep specified records;
- (c) imposes conditions, restrictions or prohibitions on persons engaged in the production of natural products.

“**Canada No. 1 Grade**” means Canada No. 1 Grade as defined in the Safe Foods for Canadians Act.

“**Canada No. 2 Grade**” means Canada No. 2 Grade as defined in the Safe Foods for Canadians Act.

“**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 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 through an Agency, through a licensed processor, or as a Producer-Shipper.

**"Commission"** means the British Columbia Vegetable Marketing Commission.

**"Commission Inspector"** means an employee designated by the Commission to carry out the Compliance and Enforcement function on behalf of the Commission.

**"Commission Salesperson"** means a Person who purchases Regulated Product from an Agency to offer for sale, sell or supply to Retailers and sells that Regulated Product directly from a delivery vehicle."

**"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 the calendar year (January 1<sup>st</sup> to December 31<sup>st</sup>) in which a Regulated Vegetable was produced and harvested.

**"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.

**"Earned Delivery Allocation"** means storage crop Delivery Allocation determined from actual shipments attributable to a Producer.

**"Farm"** means all the land, facilities, and equipment used for the production of a Regulated Product and includes a Greenhouse.

**"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.

**"Food Service"** means a food establishment where food intended for service to individuals for consumption is prepared and provided, or simply provided ready-to-eat, whether consumption is on or off the premises.

**"Food Service Distributor"** means a Wholesaler that provides food and non-food products to restaurants, cafeterias, industrial caterers, hospitals, schools, nursing homes, and anywhere food is served away from the home.

**"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."

Promulgated: May 29, 2024

General Order

**“Greenhouse Vegetable Crop”** means tomatoes (all types); peppers (all types); cucumbers (all types); lettuce (as defined) grown in a greenhouse and includes regulated Greenhouse Vegetable Crops certified as organic.

**“Lettuce”** means any of various Lettuce plants, cultivated in a greenhouse for its edible non-bitter leaves. Included cultivar groups are Iceberg (Crisphead), Summer Crips (Batavian), Romaine (Cos Lettuce), Butterhead (Butter Lettuce), Loose-Leaf.

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

**"Marketing"** includes producing, packing, buying, selling, storing, 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 issued by the Commission and includes these General Order.

**“Order Filling”** refers to the process of receiving and storing inventory, and picking, packing, and shipping each order. It is also known as order fulfillment and is comprised of the steps needed to send a customer their order.

**"Person"** includes an individual, firm, partnership, corporation, association, sole proprietorship, or any other Regulated Entity specified by the Commission.

**"Processing"** includes freezing, canning, packing or in any way preserving or altering a 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 ton 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 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.

**“Producer-Shipper”** means a Person licensed by the Commission to produce Greenhouse or Storage Crops and to market some or all of the Greenhouse or Storage Crops produced by that



Promulgated: May 29, 2024

General Order

person directly to commercial trade channels but, unless 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, in a defined area, a specified Greenhouse Regulated Product within a Crop Year.

**“Province”** means the Province of British Columbia.

**“Purchase Order”** means a commercial source document that is issued by a business' purchasing department when placing an order with its vendors or suppliers. The document indicates the details on the items that are to be purchased, such as the types of goods, quantity, and price.

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

**“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 Haida Gwaii.

**“Regulated Entity”** means A person or business subject to regulatory requirements of the Natural Products Marketing (BC) Act; Natural Products Marketing (BC) Act Regulations; British Columbia Vegetable Scheme; and the British Columbia Vegetable Marketing Commission General Order and includes (but not limited to):

- a) Producer;
- b) Producer-Shipper;
- c) Agency;
- d) First-Instance Packinghouse;
- e) Processor;
- f) Wholesaler;
- g) Commission Salesperson.

**“Regulated Product”** means the crops listed on Schedule II of this Order that were grown within the Regulated Area.

**“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.

**“Service Fees”** means a fee charged in relation to a specific application (Schedule VIII) before the Commission but does not include any portion or amount of an Administration Levy.

**“Specialty Crops”** means crops with unique production based attributes which give rise to market differentiation from mainstream commodity crops which are 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 V to these Order.

"**Storage Crops**" mean potatoes, onions, parsnips, cabbage, carrots, beets, rutabagas, white turnips, and any other crop designated by the Commission.

"**Transport Order**" means a permit, that must be in either electronic or written form, issued in the name of the Commission by a duly authorized nominee of the Commission authorizing the movement or transporting of Regulated Product from a Producer's farm to an Agency, a Processor, or Wholesaler 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, Processor, Food Service, or other Wholesaler but does not sell or offers for sale directly to a Consumer nor 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".

## PURPOSE OF ORDER

2. The Commission has approved this General Order to provide for the effective promotion, control, and regulation of the production, transportation, packing, storage, and marketing of Regulated Product grown in British Columbia.
3. Repealed by AO1 dated June 27, 2024.

## Power to Exempt

4. Repealed by AO1 dated June 27, 2024.

## Application

5. Repealed by AO1 dated June 27, 2024.

## Authority of Commission

6. Repealed by AO1 dated June 27, 2024.

## COMMISSION BOARD MEMBERS

7. Repealed by AO1 dated June 27, 2024.

## Annual General Meetings

8. Repealed by AO1 dated June 27, 2024.

## Certificates of Authority

9. 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. Employees, by virtue of their employment, do not require a Certificate of Authority.

## Commissioner and Employee Indemnification

10. Repealed by AO1 dated June 27, 2024.
11. Repealed by AO1 dated June 27, 2024.
12. Repealed by AO1 dated June 27, 2024.

## BOOKS AND RECORDS

### Requirement to Keep Records and Information

13. Every Regulated Entity 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 Regulated Entity, or any other books and records as may be specified by the Commission from time to time.
14. For the purposes of ascertaining whether the Order, rules and regulations of the Commission are being complied with, every Regulated Entity shall, upon request, produce for inspection by the Commission, any member of the Commission, its employees, or any other Person authorized by the Commission for that purpose, all such books and records kept by that Person.
15. Every Regulated Entity shall, upon request, furnish to the Commission any information relating to the production, grading, processing, and marketing by that Regulated Entity, of the Regulated Product and shall make specific answers to any questions submitted to them by the Commission, any member of the Commission, its employees, or any other Person authorized by the Commission for that purpose.

## COMPLIANCE AND ENFORCEMENT

16. Repealed by AO1 dated June 27, 2024.
17. Repealed by AO1 dated June 27, 2024.
18. 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 a seizure, without the written authority of the Commission.

## LEVIES AND SERVICE FEES

19. Unless otherwise exempted by the Commission, all Regulated Entities engaged in the production or marketing of Regulated Crops 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 fee amounts are established and amended from time to time by the Commission and are described in Schedule IV to these General Order.
20. Repealed by AO1 dated June 27, 2024.
21. 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 this General Order.
22. Where a producer is licensed as a Producer-Shipper or exempted from the requirement to market Regulated Product through an 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 this General Order or as otherwise directed by the Commission.

## LICENSING

### General

23. No Regulated Entity shall, grow, purchase, process, or market a Regulated Product unless that Regulated Entity:
  - a) is registered with the Commission;
  - b) is qualified to and obtains annually from the Commission one or more of the required licences herein described; and
  - c) pays to the Commission annually the fees for such licences described in Schedule III to this General Order.

Promulgated: May 29, 2024

General Order

- d) Has a Biosecurity Program in place appropriate to the Licence they hold.
24. A Class I Licence may be issued to any Regulated Entity on the initial application to the Commission, or on any other subsequent application by any Regulated Entity who has not had a licence of any class suspended or cancelled pursuant to this General Order.
25. 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.

### Issuance, Cancellation or Suspension of Licenses

26. Repealed by AO1 dated June 27, 2024.
27. All Regulated Entity Licences are valid for a one (1) year period and are renewed in accordance with the dates out in Schedule VII. Every application for a licence, whether it is an initial application or a renewal, must be made on a form prescribed by the Commission.
28. 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.
29. 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.
30. Producers holding, in aggregate, less than 2,000 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 2,000 M<sup>2</sup> exemption.
31. A Producer licence is not required for the production of strawberries destined for processing

or manufacturing if less than 30 tons of such strawberries is grown and shipped by the producer to a processor in a crop year.

- 32.** A Processor licence is not required for the processing of strawberries if;
- a) less than 30 tons of strawberries is processed in the crop year; or
  - b) at least 50% of the strawberries so processed is sourced from a producer that is owned or controlled exclusively by the processor.

## REQUEST TO REGULATE A NEW PRODUCT

- 33.** Repealed by AO1 dated June 27, 2024.

## MARKETING OF REGULATED PRODUCT

- 34.** 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 this General Order;
  - b) Regulated Product may be marketed by a Producer, Producer-Shipper, Processor, Commission Salesperson or Wholesaler who is licensed in accordance with this General Order in the manner permitted by the term of the licenses, this General Order, and any other Order of the Commission; and
  - c) A Person who is specifically exempted from the requirements of this section pursuant to this General Order or otherwise by Order of the Commission may market Regulated Product as permitted by the Commission.

## DELIVERY AND PRODUCTION ALLOCATIONS

## General

- 35.** The purposes of the Delivery and Production Allocation System is 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 Products. 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; and
  - e) the provision of an orderly marketing system.
- 36.** In the event a Producer or any other Person realizes a benefit or advantage in regard to the utilization of or access to Delivery or Production Allocations, that are not consistent with the object and purpose of this General Order, the Commission may deny such Producer or Person that benefit or advantage.
- 37.** Delivery and Production Allocations are a privilege granted by the Commission under a Producer's licence. Delivery and Production Allocations shall have no monetary value.
- 38.** Only Persons nineteen (19) years of age and over and holding a valid Producer's licence from the Commission may hold or be assigned Delivery or Production Allocations.
- 39.** 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.
- 40.** Only Persons permanently residing in British Columbia 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 permanently residing in British Columbia.



Promulgated: May 29, 2024

General Order

41. 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.
42. A change of name on the registration of a Delivery or Production Allocation does not negate any Grower Marketing Agreement between a Producer and an Agency.
43. Throughout the Province, Delivery and Production Allocation is transferable between and amongst licensed producers and prospective producers intending to obtain a producer licence.
44. 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.

## GRANTING DELIVERY ALLOCATION FOR STORAGE CROPS

### General

45. Only Regulated Product shipped through an Agency or Producer-Shipper shall be used for the calculation of Delivery Allocation levels or adjustments.
46. Delivery Allocations shall be established on a rolling 5-year average for Storage Crops, unless otherwise directed by the Commission.
47. No Producer shall ship in excess of their Delivery Allocation, unless otherwise authorized by the Commission.
48. 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.
49. 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

Promulgated: May 29, 2024

General Order

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.

50. 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.
51. Regulated Product produced outside of British Columbia shall not be used to fill or increase a Delivery Allocation for a Producer.
52. Regulated Product produced by one Producer may not be used to fill or increase a Delivery Allocation of another Producer.
53. Unless there are special circumstances, if a Producer ceases production for two consecutive years, then the Commission shall rescind their Delivery Allocation.
54. 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 this Order, 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

55. 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 March 15 each year; and
  - c) unless otherwise specified by the Commission, all transfers of Delivery Allocation shall take effect the following crop year.

56. When transferring a Delivery Allocation, only that portion of a Delivery Allocation that has been earned can be transferred. Earned Delivery Allocation constitutes Delivery Allocation based on actual shipments and shall not include any Delivery Allocation that has been previously granted by the Commission.
57. In the case of potatoes only, to qualify for transfer, the minimum earned Delivery Allocation must total an aggregate ten tons when all categories and Delivery Allocation periods are combined.
58. Any Delivery Allocation earned or acquired must be utilized by the licensed Producer for a minimum of two (2) years before it may be transferred, except in extenuating circumstances.
59. Delivery Allocation periods for Storage Crops shall be as set out in Schedule VI – Delivery Allocation Periods for Storage Crops.

## GRANTING PRODUCTION ALLOCATION FOR GREENHOUSE CROPS

### General

60. 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.
61. A Greenhouse Vegetable Production Allocation is specific to a Greenhouse Vegetable Crop.
62. A Producer may use up to 500 square meters (m<sup>2</sup>) of the aggregate of their Greenhouse Vegetable Production Allocations for research or market trials without impacting their approved Greenhouse Vegetable Production Allocation.

### Marketing a Greenhouse Vegetable Crop

63. A greenhouse vegetable Producer shall, with the approval of the Commission, market their Greenhouse Vegetable Crop to an Agency, or directly if licensed as a Producer-Shipper.

Promulgated: May 29, 2024

General Order

64. 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 their Agency, market that portion of their Greenhouse Vegetable Production Allocation dedicated to specialty or organic crops as a Producer-Shipper.

### Applications for New Greenhouse Vegetable Production Allocation

65. 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.
66. An applicant for new or additional Greenhouse Vegetable Production Allocation must satisfy the Commission that they:
- a) possesses or has access to sufficient capital to complete the proposed greenhouse and bring it into production;
  - b) has a marketing plan acceptable to the Commission or can confirm to the Commission that they have an agreement with an Agency to market their production;
  - 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 the General Order as amended from time to time.
67. All applications for new or additional Greenhouse Vegetable Production Allocation must include an application fee in an amount established from time to time.
68. 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; and
  - 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.
69. Upon receiving notice of conditional approval for the new Greenhouse Vegetable Production Allocation, at its discretion, the Commission may require the applicant to provide a performance security deposit within 30 days of receiving such notice. The performance

Promulgated: May 29, 2024

General Order

security deposit is 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.

70. Failure to make the performance security deposit within 30 days of receiving conditional approval will result in the Commission immediately revoking the approval.
71. 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.
72. 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.
73. 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.
74. The Producer will advise the Commission, in writing, the date when propagated plants were placed in the new Greenhouse facility.
75. 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.
76. 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.
77. 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

- 78.** A Producer who wishes to change their 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.
- 79.** 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

- 80.** A Producer who intends to change the type of their 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

- 81.** If a Producer ceases Greenhouse Vegetable production in all or part of their Greenhouse Vegetable Production Allocation for one year, all or a portion of the Greenhouse Vegetable Production Allocation may be cancelled.
- 82.** A Producer 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.
- 83.** A Producer, approved for a preservation of assigned Greenhouse Vegetable Production Allocation, 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.
- 84.** 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.

## PRODUCERS

85. All Producers (Storage and Greenhouse Crops) are only permitted to market through one (1) Agency.

## AGENCIES

### General

86. Repealed by AO1 dated June 27, 2024.
87. Repealed by AO1 dated June 27, 2024.
88. Repealed by AO1 dated June 27, 2024.
89. Repealed by AO1 dated June 27, 2024.
90. Repealed by AO1 dated June 27, 2024.
91. Repealed by AO1 dated June 27, 2024.
92. Repealed by AO1 dated June 27, 2024.
93. Repealed by AO1 dated June 27, 2024.
94. Repealed by AO1 dated June 27, 2024.
95. Repealed by AO1 dated June 27, 2024.
96. Repealed by AO1 dated June 27, 2024.
97. Repealed by AO1 dated June 27, 2024.
98. Repealed by AO1 dated June 27, 2024.

Promulgated: May 29, 2024

General Order

99. Repealed by AO1 dated June 27, 2024.

100. Repealed by AO1 dated June 27, 2024.

101. Repealed by AO1 dated June 27, 2024.

102. Repealed by AO1 dated June 27, 2024.

103. Repealed by AO1 dated June 27, 2024.

104. Repealed by AO1 dated June 27, 2024.

105. Repealed by AO1 dated June 27, 2024.

### Agency – Wholesaler Relationship

106. Repealed by AO1 dated June 27, 2024.

107. Repealed by AO1 dated June 27, 2024.

### Products of Unmarketable Quality

108. Repealed by AO1 dated June 27, 2024.

109. Repealed by AO1 dated June 27, 2024.

### Transfer of Producers between Agencies

110. Repealed by AO1 dated June 27, 2024.

111. Repealed by AO1 dated June 27, 2024.

112. Repealed by AO1 dated June 27, 2024.



## Agency Responsibilities

113. Repealed by AO1 dated June 27, 2024.

114. Repealed by AO1 dated June 27, 2024.

115. Repealed by AO1 dated June 27, 2024.

116. Repealed by AO1 dated June 27, 2024.

117. Repealed by AO1 dated June 27, 2024.

118. Repealed by AO1 dated June 27, 2024.

119. Repealed by AO1 dated June 27, 2024.

120. Repealed by AO1 dated June 27, 2024.

121. Repealed by AO1 dated June 27, 2024.

122. Repealed by AO1 dated June 27, 2024.

123. Repealed by AO1 dated June 27, 2024.

124. Repealed by AO1 dated June 27, 2024.

125. Repealed by AO1 dated June 27, 2024.

126. Repealed by AO1 dated June 27, 2024.

127. Repealed by AO1 dated June 27, 2024.

## Review of Existing Agencies

**128.** Repealed by AO1 dated June 27, 2024.

**129.** Repealed by AO1 dated June 27, 2024.

## FIRST-INSTANCE PACKINGHOUSE

**130.** 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;
- c) a person who is specifically exempted from the requirements of this section pursuant to the General Order or otherwise by Order of the Commission.

**131.** A First-Instance Packinghouse must be assigned to an 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 Agency or Producer Shipper, as the case may be.

**132.** No Person may ship Regulated Product from a First-Instance Packinghouse other than:

- a) the 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 the General Order or otherwise by Order of the Commission.

**133.** 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 Producer Marketing Agreement (PMA) between the Producer and the Agency is to assign a Packinghouse to the Producer.

## PRODUCER–SHIPPER

### General

- 134.** 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.
- 135.** 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. 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 or other Producer-Shippers, whether located inside or outside B.C.
- 136.** For most intents and purposes, Producer-Shipper licensing replaces previous exemptions from Marketing through an Agency.
- 137.** The Commission may place market restrictions on the licence or deny an applicant all together if it is not in the best interests of the industry.

### Responsibility to Market

- 138.** A Producer Shipper must pack, market, and distribute Regulated Products produced by them in accordance with the approved Marketing plan.
- 139.** A Producer-Shipper may, with the prior permission of the Commission, from time to time when they are either long or short of requirements to meet their markets and marketing plan, temporarily, and for periods not greater than fifteen (15) days:
- a) market a portion of the greenhouse or storage vegetable crop to another Producer-Shipper;
  - b) sell a portion of the greenhouse or storage vegetable crop to an Agency;
  - c) Unless an exception is granted by the Commission, the portion shall not exceed 5% of the Greenhouse Vegetable Production Allocation, or Storage Crop Delivery Allocation Period for that crop in the crop year.

Promulgated: May 29, 2024

General Order

140. Other than as provided in the General Order, no Producer-Shipper shall market 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.
141. Other than as provided in the General Order, no Producer-Shipper shall offer for sale any Regulated Greenhouse or Storage Crop Vegetables produced by them to any other Producer-Shipper or Agency.
142. All sales must comply with Commission pricing procedures.

### Reporting Requirements

143. 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.
144. A Producer-Shipper must report production, shipments, and marketing activity that may be required by Commission programs that collect and disseminate market information or used to regulate orderly marketing.
145. A Produce-Shipper must report to the Commission any change in its Marketing Plan.

### Levies and Service Fees

146. 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

147. A Producer-Shipper may not:
  - a) 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 the Order or as otherwise authorized by the Commission.

- b) serve as a director or an officer of an Agency;
- c) have a contract, agreement, or understanding with an Agency for the Marketing of any or all of the Greenhouse or Storage Vegetable Crops;

## PROCESSORS

- 148.** No Processor shall sell or offer for sale or supply the Regulated product except in a processed or manufactured form.
- 149.** 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.
- 150.** 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.

### Products of Unmarketable Quality

- 151.** A Processor shall be entitled to refuse to accept or market any Regulated Product delivered to it, which in the opinion of the Processor, is not of marketable quality.
- 152.** Any dispute arising by the refusal to accept or market and/or by the manner in which the Regulated Product is handled by a Processor shall be resolved by the Dispute Resolution Clause in the written contract.

## WHOLESALERS

- 153.** A Wholesaler shall only buy, accept, or receive a Regulated Product from an Agency or Producer-Shipper.
- 154.** A Wholesaler cannot be licensed as a First-Instance Packinghouse for an Agency, unless authorized by Order of the Commission.

## MINIMUM PRICING

**155.** When implemented, the purpose of the Commission Minimum Pricing is to:

- a) provide a coordinated approach to marketing;
- b) maximize the returns to Producers;
- c) maximize market penetration;
- d) establish base prices for all Regulated Entities;
- e) facilitate regular monitoring of Regulated Entities sales.

**156.** Should minimum pricing for a Regulated Product be implemented, the Commission, a member of the Commission, or the Commission's General Manager, will establish minimum prices as often as necessary, in accordance with Commission's price setting policy then in effect for the fixing of contract and weekly minimum prices.

**157.** Regulated Entities may, with the prior knowledge and written approval of the Commission, a member of the Commission, or the Commission's General Manager, be permitted to give advertising discounts or volume discounts for advertised specials, at prices which are below the minimum price fixed by the Commission, a member of the Commission, or the Commission's General Manager.

**158.** No Regulated Entity shall sell or offer for sale Regulated Products subject to minimum pricing at a price less than the applicable minimum price fixed from time to time by the Commission, a member of the Commission, or the Commission's General Manager for each variety and grade of the Regulated Product, unless otherwise expressly authorized in writing by the Commission, a member of the Commission, or the Commission's General Manager.

**159.** No Regulated Entity shall buy Regulated Products subject to minimum pricing at a price less than the applicable minimum price fixed from time to time by the Commission, a member of the Commission, or the Commission's General Manager for each variety and grade of the Regulated Product, unless otherwise expressly authorized in writing by the Commission, a member of the Commission, or the Commission's General Manager.

## MARKETING OF NEW OR ADDITIONAL REGULATED PRODUCT

- 160.** No new or additional Regulated Product shall be marketed by existing Agencies or Producer-Shippers without Commission approval.
- 161.** 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.
- 162.** 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 shall 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.
- 163.** 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.

## MANIFEST SALES

- 164.** The purpose of Manifest Sales is to allow Producers to supply Regulated Product directly to smaller outlets who are not customers of any Agency or any other Regulated Entity. It is not intended to create a Producer-against-Producer or Producer-against-Agency conflict.

Promulgated: May 29, 2024

General Order

- 165.** An Agency shall obtain Commission approval before instituting a Manifest Sales program.
- 166.** Prior to shipping any Regulated Product, a Producer must obtain the approval of the Agency through which the Commission has directed it to market its Regulated Product. The Producer shall not interfere with Agency-direct sales.
- 167.** At the request of the Commission, an Agency shall provide a 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.
- 168.** Manifest Sales shall not be made to Agencies, Wholesalers, Processors, Producers, Producer-Shippers, Commission Salespersons or to any other Persons prohibited by the Commission.
- 169.** All Manifest Sales shall be recorded by the Agency along with a Transport Order number approved by the sales manager of that Agency.
- 170.** All sale invoices shall be complete with:
- a) customer's name and address as well as the Producer's name, and BCMVC 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 Sales or transport number.
- 171.** All Regulated Product sold under Manifest Sales:
- a) shall, unless otherwise directed by the Commission, have a 15 percent minimum mark-up above the minimum price fixed by the Commission, a member of the Commission, or the Commission's General Manager. 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.



- 172.** The 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.
- 173.** All sales by the Manifest Sales system shall be reported to the Agency's sales desk:
- a) with an electronic or hard copy of the invoices in detail;
  - b) an Agency fee approved by the Commission; and
  - c) on a daily basis, unless otherwise approved by the Commission.
- 174.** 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.
- 175.** All Manifest Sales transactions can only be made within the Province.
- 176.** Reported sales, for Storage Crops only, will qualify to build Delivery Allocation provided sales invoices are documented properly and processed through the Agency.
- 177.** A Producer must have a confirmed sale prior to delivery and must have the Manifest Sales invoices completed with all the required information.
- 178.** If an Agency suspect one of its Producers is non-compliant, the Agency shall provide the Producer's name, customer name, and transaction location to the Commission for investigation.

## MARKETING REGULATED PRODUCT FOR PROCESSING

### General Provisions

- 179.** 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.

Promulgated: May 29, 2024

General Order

- 180.** Every Processor and every Producer entering into a contract must have a valid licence issued by the Commission.
- 181.** Any decisions or determinations of any Committee, including those of a mediator or arbitrator, are recommendations to the Commission and do not take effect until approved by the Commission.
- 182.** The Commission shall be charged with the general supervision of Processing Crop contracts between Producer and Processor.
- 183.** The Commission will use its best efforts and take all reasonable steps to ensure that the terms of contracts are followed and enforced.
- 184.** Final payments may not be made by a Processor to a Producer for any crop until the Commission has confirmed such payment is authorized.
- 185.** The Commission shall, from time to time, appoint a Chair for the Processing Crop Master Committee and the Processing Crop Negotiating Committee. The Chair may be the General Manager of the Commission, or a designate, or such other Person as the Commission may choose, and the Chair so appointed shall not have a vote.
- 186.** Every Producer who is also licensed as a Processor shall report each month to their Agency any and all marketings of Regulated Product for Processing.

### Processing Crop Master Committee

- 187.** 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 licensed by the Commission.
- 188.** The Processing Crop Master Committee shall meet at the request of either the Processors, the Producers, or the Commission.
- 189.** The Processing Crop Master Committee shall make recommendations to the Commission on amendments to any Processing Crop Master Contract required by the Commission. 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 all Orders of the Commission and do not take effect until approved by the Commission.

## Processing Crop Negotiating Committees

- 190.** Processing Crop Negotiating Committees shall be established by the Commission for each Regulated Processing Crop other than Strawberries. Each Committee shall be 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 an equal number of representatives for each party and may approve the attendance of additional Persons as the Chair sees fit and those Persons may only participate in the meetings as the Chair may approve.
- 191.** Processing Crop Negotiating Committees shall determine the terms and conditions of the contract for each Regulated Processing Crop.

## Processing Crop Negotiating Committee Procedures

- 192.** Unless mutually agreed by the Processors and the Producers, annual negotiations for each Processing Crop Negotiating Committee shall be completed by the following deadline date:
- a) Peas, Bush Beans, Corn, and Cole Crops by March 31.
- 193.** 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.
- 194.** 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.
- 195.** 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 subcommittee 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.

Promulgated: May 29, 2024

General Order

- 196.** If no agreement is reached 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.
- 197.** 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

- 198.** Every contract made by the authority of the General Order shall refer to them and to any applicable Processing Crop Master Contract and shall be amended by any changes made to the General Order or to the Master Contract.
- 199.** 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.
- 200.** 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.
- 201.** 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 the first charge against the gross proceeds otherwise due to a producer.
- 202.** Levies and service charges due to the Commission are due and payable, 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.

### EXEMPTIONS

- 203.** Repealed by AO1 dated June 27, 2024.

Promulgated: May 29, 2024

General Order

**204.** 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 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

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

Promulgated: May 29, 2024

General Order

- 206.** A Person seeking an exemption must advise the Commission of any contractual relations which may be affected, unless special circumstances exist, and will not nullify existing contractual relations.
- 207.** A Person who purchases a Regulated Product as a Consumer may transport the Regulated Product so purchased from the place of purchase to their residence without obtaining a Transport Order.
- 208.** 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. 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.
- 209.** The following classes of Producers are not required to market their Regulated Crop 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; and
  - c) licensed Producer holding, in aggregate, less than 2,000 M2 of Greenhouse Vegetable Production Allocation.

## GRADING AND PACKING

- 210.** 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.
- 211.** All Regulated Product shall be packed in Containers which comply with all regulations set out in the Safe Food For Canadians Act.

- 212.** An Agency must receive approval from the Commission prior to marketing the Regulated Product in non-standard containers. If approval is granted, product in non-standard containers may only be marketed in British Columbia.

## PROVISIONS SPECIFIC TO STRAWBERRY PROCESSING

- 213.** Levies and service charges due to the Commission are due and payable on or before the 15<sup>th</sup> day of August.
- 214.** Strawberry Processing Crop Contracts between a producer and a processor may be negotiated directly between the producer and the processor, who may fix the prices between them.
- 215.** In the event of a dispute arising out of the terms of a processor Strawberry Processing Crop Contract, the dispute shall be resolved by mediation and arbitration as follows:
- a) as the first step in the dispute resolution process, the general manager of the Commission shall attempt to resolve the dispute through mediation between the parties;
  - b) where the parties to this agreement at the mediation stage request a mediator, other than the general manager, the Arbitrator's office at 650 West Georgia Street, Vancouver, BC, shall be requested to appoint a mediator;
  - c) in the event the mediator is unable to resolve the dispute within 15 days of the mediator being requested to resolve the dispute, the dispute shall be referred to a three-person panel comprising of one member appointed by the Producers, one member appointed by the Processor(s), and a third member agreed to and appointed by the Producers' and Processors' representatives;
  - d) if the Producers' and the Processors' representatives are unable to agree on a third member within seven (7) days, the B.C. International Commercial Arbitration Centre shall be requested to appoint a third panel member;
  - e) the third member of the mediation panel appointed under either Clause c) or Clause d) of this section shall act as chair of the panel;
  - f) no person may convey any information to the third member of the arbitration panel concerning any matters which may have arisen prior to arbitration;
  - g) the arbitration panel's decision shall be final and binding on the parties; and

- h) The costs of the mediation and arbitration shall be shared equally by the parties directly involved in the dispute.

## NEW REGULATED ENTITY ENTRANT PROGRAM

### General

**216.** All new Regulated Entity entrants are required to:

- a) be at least 19 years of age;
- b) have a business office in the Province;
- c) obtain and produce to the Commission a business licence for the Municipality they operate in;
- d) register with the BC Registrar of Companies under the Business Corporations Act and produce to the Commission:
  - (i) a Certificate of Incorporation;
  - (ii) a Notice of Articles;
- e) have a Biosecurity Program appropriate to the licence they are applying for; and
- f) submit an application in the form prescribed, submit all application fees (Schedule VIII), and submit all documentation requested by the Commission.

### Producers (New Entrant)

**217.** All new entrant Producers must have:

- a) a letter of support from the prospective Agency who will be marketing their Regulated Product (unless granted an exception from marketing through an Agency).

### Agencies (New Entrant)

#### Application for Agency Status

**218.** Repealed by AO1 dated June 27, 2024.

**219.** Repealed by AO1 dated June 27, 2024.

**220.** Repealed by AO1 dated June 27, 2024.



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General Order

**221.** Repealed by AO1 dated June 27, 2024.

Review of Applications by the Commission

**222.** Repealed by AO1 dated June 27, 2024.

**223.** Repealed by AO1 dated June 27, 2024.

**224.** Repealed by AO1 dated June 27, 2024.

**225.** Repealed by AO1 dated June 27, 2024.

**226.** Repealed by AO1 dated June 27, 2024.

**227.** Repealed by AO1 dated June 27, 2024.

### Producer-Shippers (New Entrant)

**228.** To obtain a Producer-Shipper licence an applicant must:

- a) be assigned one or more Greenhouse Vegetable Production Allocations or Storage Crop Delivery Allocations;
- b) demonstrate that they are not committed, aligned, or connected by commercial contract, ownership or any form of legal undertaking that requires that they market through an Agency;
- c) obtain approval from the Commission for their Business and Marketing plan; and
- d) satisfy the Commission that they have the expertise and facilities to successfully produce, pack (or have a contract to have their produce packed), market and distribute their Greenhouse or Storage crop.

## REPEAL AND TRANSITION

**229.** The General Order made on January 1, 2024 (as amended), is hereby repealed, but such repeal shall not affect any offences committed or any penalty incurred under the General Order so repealed.

Promulgated: May 29, 2024

General Order

## COMMENCEMENT

**230.** This Order comes into effect on May 29<sup>th</sup>, 2024.

Dated at Delta, British Columbia this 29<sup>th</sup> day of May, 2024.

BC VEGETABLE MARKETING COMMISSION



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Derek Sturko, Chair

Promulgated: May 29, 2024

General Order

## Schedule I - Regulated Products Agencies Authorized to Market

1. Repealed by AO1 dated June 27, 2024.

## Schedule II - Regulated Crops

<b>Storage Crops</b> (Regulated for fresh and processing use)	<b>Greenhouse Crops</b> (Regulated for fresh and processing use)	<b>Processing Crops</b> (Crops only regulated for processing use)
Beets (tops off)	Cucumbers (all types)	Beans
Green Cabbage	Tomatoes (all types)	Broccoli
Red Cabbage	Peppers (all types)	Brussels Sprouts
Carrots (tops off)	Lettuce (as defined)	Cauliflower
Parsnips		Corn
Potatoes (all types & varieties) when end use is not for seed		Peas
Rutabaga		Strawberries
White (purple top) Turnips		
Yellow Onions		

## Schedule III - Annual Licence Fees

Licensee	Class 1	Class 2	Class 3	Class 4	Class 5
<b>Designated Agency</b> <sup>1</sup> \$4,000 plus an amount equivalent to 0.0475 % of annual sales <sup>2</sup>	Base amount	Class 1 times 2	Class 1 times 3	Class 1 times 4	Class 1 times 5
<b>Packinghouse</b>	N/A	\$1,250	\$2,500	\$12,500	\$50,000
<b>Producer</b>					
<b>Storage/Greenhouse/Processing Crops (except Strawberries)</b>	\$250	\$1,250	\$2,500	\$12,500	\$50,000
<b>Processing - Strawberries</b>	\$50	\$1,250	\$2,500	\$12,500	\$50,000
<b>Producer – Shipper</b> <sup>3</sup> \$500 plus an amount equivalent to 0.025 % of annual sales <sup>4</sup>	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>	\$250	\$2,000	\$6,000	\$10,000	N/A

<sup>1</sup> New Agencies, upon initial designation, first year Licence fee is \$10,000.00.

<sup>2</sup> Annual sales based on previous calendar year total sales.

<sup>3</sup> New Producer-Shipper, upon initial designation, first year Licence fee is \$2,000.00.

<sup>4</sup> Annual sales based on previous calendar year total sales.

Promulgated: May 29, 2024

General Order

## Schedule IV – BCVMC Levies and Charges

Schedule IV – BCVMC Levies and Charges												
Administrative Levies								Research & Industry Development Levies				
	BCVMC Admin Levy	Association Admin Levy	Trade Support Fund	BCAC Levy <sup>1</sup>	FVGC Levy <sup>2</sup>	UPGC Levy <sup>3</sup>	TOTAL	BCGGA <sup>4</sup>	PID Fund <sup>5</sup>	Brassica Fund	Processor Levy	TOTAL
<b>Greenhouse Crops</b>												
Producer	\$0.08 M <sup>2</sup>						\$0.08 M <sup>2</sup>	\$0.20 M <sup>2</sup>				\$0.15 M <sup>2</sup>
Producer-Shipper	\$0.08 M <sup>2</sup>						\$0.08 M <sup>2</sup>	\$0.20 M <sup>2</sup>				\$0.15 M <sup>2</sup>
USITC Levy <sup>6</sup>			\$0.0227 M <sup>2</sup>									
Japanese Export Market Bell Pepper Levy <sup>7</sup>			\$0.01 M <sup>2</sup>				\$0.01 M <sup>2</sup>					
<b>Storage Crops</b>												
Fresh Crops (Except Potatoes)	\$4.51 Ton			\$0.11 Ton	\$0.22 Ton		\$4.84 Ton					
Fresh Potatoes	\$4.51 Ton		\$2.11 Ton <sup>8</sup>	\$0.11 Ton	\$0.22 Ton	\$0.06 Ton	\$7.01 Ton		\$1.00 Ton			\$1.00 Ton
Contract Crops (Except Potatoes)	\$3.55 Ton			\$0.11 Ton	\$0.22 Ton		\$3.88 Ton					
Contract Potatoes	\$3.55 Ton		\$2.11 Ton <sup>9</sup>	\$0.11 Ton	\$0.22 Ton		\$5.99 Ton		\$1.00 Ton			\$1.00 Ton
Cabbage, Rutabagas, Turnips										\$0.50 Ton		\$0.50 Ton
<b>Processing Crops</b>												
Broccoli, Brussels Sprouts, Cauliflower	\$5.31 Ton			\$0.25 Ton	\$0.25 Ton		\$5.81 Ton					
Peas	\$5.74 Ton	\$0.20 Ton		\$0.24 Ton	\$0.20 Ton		\$6.35 Ton					
Beans	\$4.67 Ton	\$0.20 Ton		\$0.21 Ton	\$0.20 Ton		\$5.22 Ton					
Strawberries	\$3.66 Ton	\$11.43 Ton <sup>10</sup>		\$1.40 Ton	\$0.20 Ton		\$17.99 Ton				\$5.00 Ton <sup>11</sup>	\$5.00 Ton

<sup>1</sup>BCAC – British Columbia Agriculture Council, <sup>2</sup>FVGC – Fruit and Vegetable Growers of Canada (Formerly the Canadian Horticulture Council)

<sup>3</sup>UPGC – United Potato Growers of Canada

<sup>4</sup>BCGGA – British Columbia Greenhouse Growers Association

<sup>5</sup>PID – Potato Industry Development Fund

<sup>6</sup>USITC Levy – Special Levy is support of Bell Pepper Trade Support legal expenses (assessed for 2021 Production Allocation year)

<sup>7</sup>Japanese Export Market Bell Pepper Levy – Levy to support specialized inspections for Tabacco Blue Mold of Bell Pepper producers marketing/exporting to Japan

<sup>8</sup>Potato Trade Support Fund, <sup>9</sup>Potato Trade Support Fund

<sup>10</sup>Strawberry Growers Association Fund, <sup>11</sup>Strawberry Research Fund

Amended: September 3, 2024

Promulgated: May 29, 2024

General Order

## 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

<b>POTATOES</b>				
<b>Delivery Allocation Category</b>	<b>Period A</b>	<b>Period B</b>	<b>Period C</b>	<b>Period D</b>
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
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 - 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 - Red	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 - Yellow	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>	<b>Period 4</b>
Food Service	Start of new crop to July 31	August 1 to September 30	October 1 to April 30	May 1 to end of old crop
<b>RUTABAGAS</b>				
<b>Period A</b>	<b>Period B</b>	<b>Period C</b>		
Start of new crop to July 15	July 16 to August 31	September 1 to end of old crop		
<b>BEETS (tops off)</b>				
<b>Period 1</b>	<b>Period 2 to 11</b>	<b>Period 12</b>		
Start of new Crop to June 30	Monthly	May 1 to end of old crop		
<b>OTHER STORAGE CROPS</b>				
<b>Crop</b>	<b>Period</b>			
Cabbage (red & green)	Monthly			
Carrots (tops off)	Monthly			
Yellow Onions	Monthly			
Parsnips	Monthly			
White (purple top) Turnips	Monthly			



## Schedule VII – Annual Licence Renewal Cycle

Annual Licence Renewal Cycle	
Agency	May 1 <sup>st</sup> to April 31 <sup>st</sup> of the following year
Wholesaler	March 2 <sup>nd</sup> to March 1 <sup>st</sup> of the following year
Processor	March 2 <sup>nd</sup> to March 1 <sup>st</sup> of the following year
Commission Salesperson	March 2 <sup>nd</sup> to March 1 <sup>st</sup> of the following year
Storage Crop Producer	May 16 <sup>th</sup> to May 15 <sup>th</sup> of the following year
Storage Crop Producer-Shipper	May 16 <sup>th</sup> to May 15 <sup>th</sup> of the following year
Strawberry Producer	May 16 <sup>th</sup> to May 15 <sup>th</sup> of the following year
Greenhouse Producer	November 2 <sup>nd</sup> to November 1 <sup>st</sup> of the following year
Greenhouse Producer-Shipper	November 2 <sup>nd</sup> to November 1 <sup>st</sup> of the following year

## Schedule VIII– Application Fees and Service Fees

Application Type	Fee	GST (5%)	Total Fee
<b>Application Fees</b>			
Agency	\$20,000.00	\$1,000.00	\$21,000.00 <sup>5</sup>
Producer – Greenhouse Crops	\$500.00	\$25.00	\$525.00
Producer – Storage Crops	\$500.00	\$25.00	\$525.00
Producer – Processing Crops	\$500.00	\$25.00	\$525.00
Producer – Strawberries (for processing over thirty (30) tons)	\$500.00	\$25.00	\$525.00
Producer - Shipper	\$6,000.00	\$300.00	\$6,300.00 <sup>6</sup>
Processor	\$1,000.00	\$50.00	\$1,050.00
Wholesaler	\$1,000.00	\$50.00	\$1,050.00
Commission Salesperson	\$1,000.00	\$50.00	\$1,050.00
<b>Service Fees</b>			
Established Producer – Greenhouse Crops– Increase in Production Allocation	\$500.00	\$25.00	\$525.00
Established Producer – Storage Crops – Increase in Delivery Allocation	\$500.00	\$25.00	\$525.00
Ministerial Exemption Application	\$500.00	\$25.00	\$525.00

**All Application Fees and Service Fees are non-refundable.**

<sup>5</sup> Plus, the cost of any non-commission costs incurred by the Commission (e.g.: legal fees, financial expertise, subject matter experts, etc.), if any, on a cost recovery basis as a precondition of being considered for a licence. If an application is approved, the applicant must also pay the annual licence fee established for New Agencies, \$10,000.00, to complete the process.

<sup>6</sup> Plus, the cost of any non-commission costs incurred by the Commission (e.g.: legal fees, financial expertise, subject matter experts, etc.), if any, on a cost recovery basis as a precondition of being considered for a licence. If an application is approved, the applicant must also pay the annual licence fee established for New Producer-Shippers, \$2,000.00, to complete the process.