

**BRITISH COLUMBIA  
VEGETABLE MARKETING COMMISSION  
GENERAL ORDER OF JANUARY 2, 2025**

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## PART I – INTRODUCTORY

### Interpretation

1. In this Order, unless the context requires otherwise, the definitions contained in the *Natural Products Marketing (BC) Act* and the *British Columbia Vegetable Scheme* shall have effect together with the following additional definitions:

**“Agency”** means a person designated by the Commission and approved by the British Columbia Farm Industry Review Board for the purpose of marketing Greenhouse Crops, Processing Crops or Storage Crops as authorized or directed by the Commission.

**“Canada No. 1 Grade”** means Canada No. 1 Grade as defined in the *Canadian Grade Compendium* for fresh fruit or vegetables as incorporated by reference in the *Safe Food for Canadians Regulations*, (SOR/2018-108).

**“Canada No. 2 Grade”** means Canada No. 2 Grade as defined in the *Canadian Grade Compendium* for fresh fruit or vegetables as incorporated by reference in the *Safe Food for Canadians Regulations*, (SOR/2018-108).

**“Cole Crops”** means broccoli, Brussels sprouts and cauliflower, grown south of the 53rd parallel north, including Vancouver Island and the Gulf Islands, but excluding Haida Gwaii.

**“Commission”** means the British Columbia Vegetable Marketing Commission.

**“Commissioned Salesperson”** means a person paid entirely or partly by commission, and who acquires Greenhouse Crops, Processing Crops or Storage Crops from an Agency for resale.

**“Consumer”** means an individual who purchases regulated product for personal use and consumption.

**“Container”** means any covering, bag, box or other receptacle in which regulated product can be packed, transported, or marketed.

**“Crop Year”** means a calendar year (January 1 to December 31).

**“Delivery Allocation”** means the quantity of specific type and variety of Storage Crop that may be marketed by a licensed Storage Crop Producer through an Agency, in priority to other licensed Storage Crop Producers marketing or seeking to market the same type and variety of Storage Crop through that Agency without Delivery Allocation.

"**Farm**" means all the land, facilities, and equipment used for the production of a regulated product.

"**Food Service Establishment**" means a commercial establishment where food is served to individuals for immediate consumption, whether on or off premises.

"**Greenhouse**" means an enclosed structure where Greenhouse Crops are grown.

"**Greenhouse Crops**" means cucumbers, lettuce, peppers, and tomatoes, grown in a Greenhouse south of the 53rd parallel north, including Vancouver Island and the Gulf Islands, but excluding Haida Gwaii.

"**Manifest Sale**" means a sale of a Greenhouse Crop or Storage Crop that meets or exceeds Canada No. 2 Grade, by a Producer directly to a retailer, at a price (net of all deductions, holdbacks or chargebacks) that is not less than 15% above the applicable minimum price published from time to time by the Commission.

"**Packinghouse**" means a person who receives Raw Product for the purpose of washing, sorting, grading, sizing, or packing directly into a Containers, but does not include an Agency or a Producer-Shipper.

"**Processing**" includes freezing, canning, packing or in any way preserving or altering a Processing Crop by mechanical means or otherwise.

"**Processing Crops**" means beans, broccoli, Brussels sprouts, cauliflower, corn, peas, potatoes, and strawberries, grown south of the 53rd parallel north, including Vancouver Island and the Gulf Islands, but excluding Haida Gwaii, for Processing.

"**Processor**" means a person engaged in Processing who markets, offers for sale, supplies, stores or transports Processing Crop so processed, but does not include a person engaged in Processing of strawberries if less than 30 tons of strawberries are processed in a crop year, or if at least 50% of the strawberries Processed are sourced from a Producer that is owned or controlled exclusively by the Processor.

"**Producer**" means a person who operates a Farm on which one ton or more of a Greenhouse Crop, Processing Crop or Storage Crop has been produced during the immediately preceding 12-month period, but does not include a person who grows less than 30 tons of strawberries for Processing in a crop year.

**“Producer-Shipper”** means a Producer who markets some or all of the Greenhouse Crop, Processing Crop or Storage Crop produced by that person other than through an Agency.

**“Production Allocation”** means the quantity of a specific type and variety of Greenhouse Crop that may be produced by a licensed Greenhouse Producer in a Crop Year.

**“Raw Product”** means any Greenhouse Crop, Processing Crop or Storage Crop that has not yet been washed, sorted, graded, sized, or packed directly into a Container for sale.

**“Specialty Greenhouse Crops”** means mini cucumbers, mini cocktail cucumbers, mini peppers, baby bell peppers, sweet tooth peppers, hot peppers, cocktail tomatoes, Roma tomatoes, strawberry tomatoes, cherry tomatoes, grape tomatoes, and mini tomatoes (gems, teardrop, and berry).

**“Storage Crops”** mean beets, carrots, cabbage, onions, parsnips, potatoes, rutabagas, and white turnips, grown south of the 53rd parallel north, including Vancouver Island and the Gulf Islands, but excluding Haida Gwaii.

**“Valid Licence”** means a current and subsisting licence of the applicable class issued by the Commission to a person in good standing with respect to each and every requirement therefor.

**“Wholesaler”** means a person who receives a Greenhouse Crop, Processing Crop or Storage Crop from an Agency for resale to retailers, Processors, Food Service Establishments or other Wholesalers, but does not include an Agency or a retailer.

### **Purpose of Order**

2. The Commission has made this General Order for the promotion and regulation in the Province of the production, transportation, packing, storage and marketing of regulated product.

## **PART II – LICENSING AND AGENCY DESIGNATION**

### **Requirement to Hold Licence**

3. (1) No person shall act as an Agency, Commissioned Salesperson, Packinghouse, Processor, Producer, Producer-Shipper or Wholesaler unless in possession of a Valid Licence issued by the Commission.

- (2) Where persons carry on business in partnership, each with the other, a Valid Licence may be issued by the Commission in the names of each of the partners and in the business name carried on by those partners, if any. Such licence is subject to cancellation upon order of the Commission in the event of a change in the membership of the partnership with respect to a person or persons having an interest of 50% or more in the partnership.
- (3) Where a Valid Licence has been issued by the Commission to a corporation, such licence is subject to cancellation upon order of the Commission in the event of a change in the ownership, direct or indirect, of the majority voting shares of the corporation.

### **General Licence Conditions**

4. (1) It is a condition of issuance and maintenance of every licence that the applicant or holder complies with all applicable orders of the Commission from time to time in force.
- (2) It is a condition of the issuance and maintenance of every Commissioned Salesperson Licence, Greenhouse Crop Producer Licence, Storage Crop Producer Licence, Processor Crop (Other Than Strawberries) Producer Licence, Processor Crop (Strawberries Only) Producer Licence, Greenhouse Crop Producer-Shipper Licence and Storage Crop Producer-Shipper Licence, that the applicant or holder:
  - (a) is 19 years of age or older, a Canadian citizen, and a permanent resident of the Province of British Columbia, if the applicant or holder is an individual;
  - (b) is majority owned and controlled, directly or indirectly, by individuals who are Canadian citizens, if the applicant or holder is a partnership or a corporation; and
  - (c) has a business office in the Province of British Columbia.
- (3) The Commission may impose terms and condition on any licence issued by it where it is satisfied, in its sole discretion, that doing so will promote the orderly marketing of regulated product.

### **Licence Classes**

5. A person who is eligible to receive a licence must apply for the applicable licence class in the form prescribed by the Commission from time to time, and remit the applicable licence fee, for the applicable licence period. The Commission may thereupon issue annual licences as follows:

- (a) Agency Licence, for each Agency that has been designated by the Commission, and approved by the British Columbia Farm Industry Review Board, for the purpose of marketing Greenhouse Crops, Processing Crops or Storage Crops as authorized or directed by the Commission:
  - (i) Licence period: May 1 to April 31;
  - (ii) Licence fee: \$10,000.00 for the first licence year, and \$4,000.00 plus an amount equal to 0.0475% of annual sales in the previous calendar year for each subsequent licence year;
- (b) Commissioned Salesperson Licence:
  - (i) Licence period: March 2 to March 1;
  - (ii) Licence Fee: \$1,250.00 for the first licence year, and 250.00 for each subsequent licence year;
- (c) Packinghouse Licence:
  - (i) Licence period: none;
  - (ii) Licence fee: \$0.00;
- (d) Processor Licence:
  - (i) Licence period: March 2 to March 1;
  - (ii) Licence fee: \$2,000.00 for the first licence year, and \$1,000.00 for each subsequent licence year;
- (e) Greenhouse Crop Producer Licence, for each Producer engaged in the production of Greenhouse Crops:
  - (i) Licence period: November 2 to November 1;
  - (ii) Licence fee: \$750.00 for the first licence year, and \$250.00 for each subsequent licence year;
- (f) Storage Crop Producer Licence, for each Producer engaged in the production of Storage Crops:
  - (i) License period: May 16 to May 15;

- (ii) Licence fee: \$750.00 for the first licence year, and \$250.00 for each subsequent licence year;
- (g) Processing Crop (Other Than Strawberries) Producer Licence, for each Producer engaged in the production of Processing Crops, other than strawberries:
  - (i) Licence period: none;
  - (ii) Licence fee: \$750.00 for the first licence year, and \$250.00 for each subsequent licence year;
- (h) Processing Crop (Strawberries Only) Producer Licence, for each Producer engaged in the production of Processing Crops, strawberries only:
  - (i) Licence period: May 16 to May 15;
  - (ii) Licence fee:
    - A. For Producers intending to grow more than 30 tons of strawberries for Processing: \$500.00 in the first licence year, and \$50.00 for each subsequent licence year;
    - B. For Producer's intending to grow less than 30 tons of strawberries for Processing, \$50.00 for each licence year;
- (i) Greenhouse Crop Producer-Shipper Licence, for each Producer engaged in the production and marketing of Greenhouse Crops who is able to demonstrate to the satisfaction of the Commission that the market to be served by the Producer-Shipper cannot be served by an Agency:
  - (i) Licence period: November 2 to November 1;
  - (ii) Licence fee: \$8,000.00 for the first licence year, and \$500.00 plus an amount equal to 0.0255 of annual sales in the previous calendar year for each subsequent licence year;
- (j) Storage Crop Producer-Shipper Licence, for each Producer engaged in the production and marketing of Storage Crops who is able to demonstrate to the satisfaction of the Commission that the market to be served by the Producer-Shipper cannot be served by an Agency:
  - (i) Licence period: May 16 to May 15;

- (ii) Licence fee: \$8,000.00 for the first licence year, and \$500.00 plus an amount equal to 0.0255 of annual sales in the previous calendar year for each subsequent licence year;
- (k) Wholesaler Licence:
  - (i) Licence period: March 2 to March 1;
  - (ii) Licence fee: \$2,000.00 for the first licence year, and \$1,000.00 for each subsequent licence year.

### **Renewal**

- 6. The Commission may renew every existing licence without application, provided that the holder has paid the applicable licence fee and maintained compliance with all orders of the Commission.

### **No Transferability of Licences**

- 7. (1) Licences are not transferable.
- (2) Any sale of all or a portion of an Agency by way of sale of assets or shares, or a change in the Agency's business plan, must receive prior approval from the Commission.

### **Application for Designation as an Agency**

- 8. (1) A person seeking to apply for designated agency status must remit an application fee of \$20,000.00 to the Commission.
- (2) An application for designation as an Agency must include a detailed business plan addressing:
  - (a) the structure of the applicant, including:
    - (i) the identities of the principals of the applicant;
    - (ii) the identities of all shareholders and other persons with a direct or indirect financial interest in the applicant; and
    - (iii) particulars of the management and staff of the applicant, including their marketing experience and skill level.
  - (b) commencement and operational capacity, including:

- (i) the date that the applicant proposes to commence operations;
  - (ii) particulars of the facilities from which the applicant will operate;
  - (iii) particulars of any other facilities that may be owned or operated by the applicant including grading, packing, warehouse, and storage facilities; and
  - (iv) particulars of the applicant's capacity to market Greenhouse Crops, Processing Crops or Storage Crops, the methods by which this is to be achieved, and the applicant's short and long-term objectives in relation thereto.
- (c) access to Greenhouse Crops, Processing Crops or Storage Crops, including:
- (i) particulars of how the applicant intends to secure arrangements with Producers who will ship Greenhouse Crops, Processing Crops or Storage Crops to the applicant, and the dates on which such arrangements are expected to be secured;
  - (ii) a copy of the applicant's proposed Producer Marketing Agreement in a form that complies with the minimum standards established from time to time by the Commission;
  - (iii) copies of letters of commitment obtained from at least two (2) prospective Producers, who are at arms-length from each other, who wish to market Greenhouse Crops, Processing Crops or Storage Crops through the applicant; and
  - (iv) the amount of existing Delivery Allocation (tons) and/or Production Allocation (m<sup>2</sup>) that is proposed to be transferred to the applicant.
- (d) marketing strategy and framework, including;
- (i) particulars of the applicant's target market, including the type and amounts of Greenhouse Crops, Processing Crops or Storage Crops to be received from each Producer and the target market therefor;

- (ii) the applicant's assessment of market supply and demand, including an assessment of market supply and demand in areas where the applicant intends to market Greenhouse Crops, Processing Crops or Storage Crops;
  - (iii) particulars of the applicant's intended utilization of Delivery Allocation and Production Allocation by target market category as defined by the Commission;
  - (iv) particulars of the applicant's intended utilization of Delivery Allocation and Production Allocation for marketing within British Columbia and for marketing outside of British Columbia;
  - (v) particulars of the applicant's intended volumes of sales packed for end use and in bulk for further Processing and/or repacking;
  - (vi) the names and contact information of proposed customers of the applicant;
  - (vii) copies of all letters of commitment obtained from proposed customers of the applicant; and
  - (viii) particulars of any commercial agreements with third parties that may assist with transportation, grading, packaging, storage, or marketing on behalf of the applicant.
- (e) operational procedures, including:
- (i) particulars of quality assurance procedures relating to:
    - (A) biosecurity programs and trace-back and recall systems;
    - (B) grade compliance;
    - (C) handling and distribution;
    - (D) record keeping; and
    - (E) any label or product identification system.
  - (ii) particulars of the manner in which shared market access will be managed among the applicant's Producers, including the method by which proceeds from sales will be distributed; and

- (iii) particulars of the manner in which shipments of Storage Crops will be monitored in relation to Delivery Allocation, and the applicant's production plan.
  - (f) financial viability and risk management, including:
    - (i) an asset statement;
    - (ii) a breakdown of all disbursements, expenses, and charges to be deducted from sales proceeds on payment to Producers;
    - (iii) forecasts of anticipated earnings, cash flow and sales;
    - (iv) copies of all letters of reference obtained from financial institutions supporting the applicant;
    - (v) a copy of a valid business licence;
    - (vi) a copy of a performance bond, letter of credit, or particulars of a contingency plan addressing how Producers will be paid for Greenhouse Crops, Processing Crops or Storage Crops in the event that the applicant encounters financial difficulties; and
    - (vii) proof of product, third party, and director liability insurance.
  - (g) advancement of Producer and industry interests, including:
    - (i) particulars of how the applicant would prioritize the marketing of Greenhouse Crops, Processing Crops or Storage Crops;
    - (ii) particulars of how the applicant would encourage collaboration in decision-making with their Producers regarding the production, transportation, packaging, storage, and marketing of Greenhouse Crops, Processing Crops or Storage Crops; and
    - (iii) an express commitment to comply with all applicable minimum pricing orders made by the Commission from time to time in relation to sales occurring both within and outside of British Columbia.
- (3) Subject to subsection (4), applications for designation as an Agency must also:

- (a) demonstrate to the satisfaction of the Commission that the applicant's primary business objective is the marketing of Greenhouse Crops, Processing Crops or Storage Crops in a manner that benefits the Commission and the British Columbia industry as a whole;
- (b) demonstrate to the satisfaction of the Commission that the applicant has knowledge and understanding of the regulatory requirements and limitations imposed on Agencies under the Commission's General Order;
- (c) demonstrate to the satisfaction of the Commission that the applicant has knowledge and understanding of the market access system established under the Commission's General Order for Greenhouse Crops, Processing Crops or Storage Crops;
- (d) demonstrate to the satisfaction of the Commission that the applicant has sufficient knowledge and ability to service markets in British Columbia and Canada;
- (e) demonstrate to the satisfaction of the Commission that the applicant has the capacity to directly market Greenhouse Crops, Processing Crops or Storage Crops without excessive reliance on wholesalers, or third-party grading, packing, warehouse, and storage facilities;
- (f) demonstrate to the satisfaction of the Commission that any arrangements that the applicant may have with third parties:
  - (i) will not impair or undermine the applicant's responsibility to serve as the primary marketer of Greenhouse Crops, Processing Crops or Storage Crops, or to directly respond to changing market demands;
  - (ii) will not expose the industry to increased food safety risks;
  - (iii) will not be disruptive to orderly marketing;
- (g) identify the extent to which the applicant has previously participated in the British Columbia industry in other capacities, if any;
- (h) provide examples of the applicant's prior cooperative engagements with existing agencies, if any; and
- (i) provide a rationale in support of the application with specific reference to the following:

- (i) existing and anticipated requirements of the market that could be serviced by the applicant;
  - (ii) how the applicant would benefit producers shipping through it;
  - (iii) how the applicant would benefit the industry as a whole; and
  - (iv) the impact that the applicant would have on existing Agencies.
- (4) The Commission may, in its sole discretion, assign different weights to each of the considerations set out in subsection (3), and may waive any of the requirements set out in subsection (3).

### **Review of Application for Designation as an Agency**

9. (1) The Commission may, in its sole discretion:
- (a) request that an applicant provide any supplementary information or documentation that might facilitate the Commission's review of the application; and/or
  - (b) invite an applicant to present its application to the Commission, and to answer questions from the Commission concerning the application, at such time, and in such a manner, as the Commission may direct.
- (2) The Commission may summarily dismiss the application:
- (a) where the application does not conform with the requirements of this Part to the satisfaction of the Commission; or
  - (b) where the Commission, in its sole discretion, is satisfied that the designation of the applicant as an agency would not benefit the Commission and the British Columbia industry as a whole, having regard to the content of the application, the circumstances in which the application is brought (including the capacity of existing Agencies or other prospective Agencies to market Greenhouse Crops, Processing Crops or Storage Crops), or any other factor.
- (3) Where the Commission has not summarily dismissed an application, the Commission may engage in further consultation with industry stakeholders concerning the application, at such time, and in such a manner, as the Commission may direct.

- (4) Subject to subsections (5) and (6), the Commission may designate the applicant as an Agency, subject to the approval of the BCFIRB, where it is satisfied that:
- (a) there is a market requirement for the proposed Agency, and the designation of that Agency would benefit the industry as a whole having regard to the interests of all producers, including those producers marketing through other Agencies;
  - (b) it would not be in the interests of the industry for existing or anticipated Greenhouse Crops, Processing Crops or Storage Crops to be marketed by an existing Agency;
  - (c) the presence of the proposed Agency will not be disruptive to orderly marketing and will not result in increased competition among Agencies on price, which may have a detrimental effect on producer returns;
  - (d) the proposed Agency has demonstrated an understanding of the regulatory system and has adequately expressed its intention to follow Commission Orders and the enabling legislation and regulations;
  - (e) there is evidence-based demand for the specific product(s), grouped by end use customer, that are to be marketed by the proposed Agency, which demand is not already satisfied by existing Agencies;
  - (f) there is evidence-based support from at least two (2) licensed Producers, who are at arms-length from each other, and who intend to market Greenhouse Crops, Processing Crops or Storage Crops through the proposed Agency;
  - (g) the primary responsibility for marketing Greenhouse Crops, Processing Crops or Storage Crops will rest with the proposed Agency, rather than wholesalers who may market Greenhouse Crops, Processing Crops or Storage Crops on behalf of the proposed Agency;
  - (h) the proposed Agency will comply with the Commission's orders, including all applicable minimum pricing orders in relation to sales occurring both within and outside the Province; and
  - (i) the proposed Agency has the knowledge, capacity, and ability to operate effectively as an Agency.

- (5) The Commission may, in its sole discretion, assign different weights to each of the considerations set out in subsection (4), and may waive any of the requirements set out in subsection (4).
- (6) The Commission may have regard to the circumstances in which the application is brought (including the capacity of existing Agencies or other prospective Agencies to market Greenhouse Crops, Processing Crops or Storage Crops), or any other factor.

### **Review of Existing Agencies**

- 10. (1) The Commission may from time to time review an existing Agency in order to assess whether the Agency's licence and designated status should be maintained, made subject to terms and conditions, suspended, or revoked.
- (2) When conducting a review of an existing agency, the Commission may consider, among other things:
  - (a) whether the Agency has been actively engaged in marketing Greenhouse Crops, Processing Crops or Storage Crops received from its assigned Producers;
  - (b) whether there is a market requirement for the Agency, and whether the Agency benefits the industry as a whole having regard to the interests of all producers, including those producers marketing through other Agencies;
  - (c) whether it would be in the interests of the industry for marketing of Greenhouse Crops, Processing Crops or Storage Crops to be undertaken by another Agency;
  - (d) whether the presence of the Agency has been disruptive to orderly marketing or has contributed to increased competition among Agencies on price, which may have had a detrimental effect on producer returns;
  - (e) whether the Agency has demonstrated an understanding of the regulatory system and has adequately expressed its intention to follow Commission Orders and the enabling legislation and regulations;
  - (f) whether the market serviced by the Agency for specific product(s), grouped by end use customer, is satisfied by other Agencies;

- (g) whether there is continued evidence-based support from at least two (2) licensed Producers, who are at arms-length from each other, and who wish to continue to market Greenhouse Crops, Processing Crops or Storage Crops through the Agency;
  - (h) whether the primary responsibility for marketing Greenhouse Crops, Processing Crops or Storage Crops has been discharged by the Agency, rather than by wholesalers who have marketed Greenhouse Crops, Processing Crops or Storage Crops on behalf of the Agency;
  - (i) whether the Agency has complied with the Commission's orders, including all applicable minimum pricing orders in relation to sales occurring both within and outside the Province; and
  - (j) whether the Agency has demonstrated the knowledge, capacity, and ability to operate effectively as an Agency.
- (3) The Commission may, in its sole discretion, assign different weights to each of the considerations set out in subsection (2).
- (4) The Commission may have regard to the circumstances in existence at the time of the review (including the capacity of existing Agencies or other prospective Agencies to market Greenhouse Crops, Processing Crops or Storage Crops), or any other factor.

### **PART III – DELIVERY ALLOCATION AND PRODUCTION ALLOCATION**

#### **Delivery Allocation**

11. (1) The Commission may from time to time allot Delivery Allocation to a licensed Storage Crop Producer, or retract Delivery Allocation allotted to a Storage Crop Producer, such that the aggregate Delivery Allocation allotted to that Producer is equal to the Producer's 5-year rolling average volume of Storage Crops produced by that Producer and marketed through an Agency, in each of the periods, and for each of the Delivery Allocation Categories, set out in Schedule 1;
- (2) The Commission may from time to time allot Delivery Allocation to a licensed Storage Crop Producer-Shipper, or retract Delivery Allocation allotted to a Storage Crop Producer-Shipper, such that the aggregate Delivery Allocation allotted to that Producer-Shipper is equal to the Producer-Shipper's 5-year rolling average volume of Storage Crops produced and marketed for sale by that Producer-Shipper, in each of the periods, and for each of the Delivery Allocation Categories, set out in Schedule 1;

- (3) Notwithstanding subsections (1) and (2), the Commission may allot Delivery Allocation to a licensed Storage Crop Producer or licensed Storage Crop Producer-Shipper, or retract Delivery Allocation allotted to a Storage Crop Producer or Storage Crop Producer-Shipper, on such terms and conditions as the Commission deems fit, where the Commission is satisfied, in its sole discretion, that doing so will promote the orderly marketing of Storage Crops. Every application made to the Commission for Delivery Allocation must be submitted before October 31 for production in the following year, supported in writing by an Agency, and accompanied by a \$500.00 administration fee. Applications are subject to the following considerations:
- (a) New Delivery Allocation will not be allotted by the Commission unless it is satisfied that there is evidence of market growth justifying a new Allocation;
  - (b) The maximum amount of Delivery Allocation that may be granted in aggregate within a year will not exceed 1% of total Delivery Allocation already allotted for each crop in each period; and
  - (c) No applicant can receive more than 50% of the new Delivery Allocation available for allocation in a year.
- (4) Unless the Commission permits otherwise, where a Storage Crop Producer or a Storage Crop Producer-Shipper has not engaged in the production of Storage Crops for two consecutive years, all Delivery Allocation allotted to that Producer or Producer-Shipper shall be rescinded without further order of the Commission.

### **Transfer of Delivery Allocation**

12. Delivery Allocation may be transferred only with the prior written approval of the Commission, and subject to the following conditions and limitations:
- (a) unless otherwise specified by the Commission, all transfers of Delivery Allocation shall take effect the following crop year; and
  - (b) Delivery Allocation is not eligible for transfer until it has been utilized for at least two years.

### **Production Allocation**

13. (1) The Commission may from time to time allot Production Allocation to a licensed Greenhouse Crop Producer or a licensed Greenhouse Crop Producer-Shipper, or retract Delivery Allocation allotted to a Greenhouse Crop Producer or Greenhouse Crop Producer-Shipper, on such terms and conditions as the Commission deems fit, where the Commission is satisfied, in its sole discretion, that doing so will promote the orderly marketing of Greenhouse Crops, having regard to the following:
  - (a) whether the Producer or Producer-Shipper possesses has access to sufficient capital to complete a proposed greenhouse and bring it into production;
  - (b) whether the Agency assigned to the Producer has a marketing plan acceptable to the Commission for the marketing of Greenhouse Crops to be produced by that Producer under the proposed Production Allocation;
  - (c) whether the Producer-Shipper has a marketing plan acceptable to the Commission for the marketing of Greenhouse Crops to be produced by that Producer-Shipper under the proposed Production Allocation; and
  - (d) whether the Producer or Producer-Shipper has knowledge and means to produce high-quality Greenhouse Crops.
- (2) Production Allocation for a specific type and variety of Greenhouse Crop may not be used to produce or market any other type or variety of Greenhouse Crop without the prior written approval of the Commission.
- (3) Every application made to the Commission for Production Allocation, or to change the specific type and variety of Greenhouse Crop that may be produced and marketed under a Production Allocation, must be accompanied by a \$500.00 administration fee.
- (4) Unless the Commission permits otherwise, where a Greenhouse Crop Producer a Greenhouse Crop Producer-Shipper has not engaged in the production of Greenhouse Crops for one year, all Production Allocation allotted to that Producer or Producer-Shopper shall be rescinded without further order of the Commission.

### **Transfer of Production Allocation**

14. Production Allocation may be transferred only with the prior written approval of the Commission, and subject to the following conditions and limitations:

- (a) unless otherwise specified by the Commission, all transfers of Production Allocation shall take effect the following crop year; and
- (b) Production Allocation is not eligible for transfer until it has been utilized for at least two years.

## **PART IV – REQUIREMENTS AND LIMITATIONS**

### **Producer Requirements and Limitations**

#### *Production of Greenhouse Crops*

15. No Producer shall produce Greenhouse Crops in excess of the Production Allocation allotted to that Producer.

#### *Marketing*

16. (1) Subject to subsections (2), (3), (4) and (5), and unless otherwise authorized by the Commission in writing, no Producer, other than a Producer-Shipper, shall:
- (a) market Greenhouse Crops (unless the Producer holds less than 2,000 m<sup>2</sup> of Production Allocation), Processing Crops or Storage Crops except to a Processor, to the Producer's designated Agency, or to a Packinghouse assigned to the Producer's designated Agency;
  - (b) market Greenhouse Crops in excess of the Production Allocation allotted to that Producer;
  - (c) market Greenhouse Crops, Processing Crops or Storage Crops other than in accordance with their designated Agency's marketing plan, as approved by the Commission; or
  - (d) permit Greenhouse Crops, Processing Crops or Storage Crops to be transported from the Producer's Farm without a transport order issued by the Commission permitting such transport.
- (2) A Producer with a Valid Licence may market Greenhouse Crops, Processing Crops or Storage Crops directly to Consumers provided that:
- (a) the marketing is carried out entirely from the Producer's Farm, or at a farmer's market or roadside stand as authorized by the applicable municipality;

- (b) the Greenhouse Crops, Processing Crops or Storage Crops so marketed meet or exceed Canada No. 1 Grade or Canada No. 2 Grade and are packed in Containers which comply with all applicable requirements under the *Safe Food for Canadians Act*, unless otherwise approved by the Commission in writing;
  - (c) the maximum amount of all Greenhouse Crops so marketed in any one day does not exceed 300 pounds;
  - (d) the maximum amount of all Storage Crops so marketed in any one day does not exceed 300 pounds; and
  - (e) the onus of establishing that the purchaser is a Consumer is on the Producer.
- (3) A Producer with a Valid Licence may market certified organic Greenhouse Crops, Processing Crops or Storage Crops other than to a Processor, to the Producer's designated Agency, or to a Packinghouse assigned to the Producer's designated Agency.
  - (4) With the prior, written approval of the Commission, a licensed Greenhouse Crop Producer may market Specialty Greenhouse Crops other than to a Processor, to the Producer's designated Agency, or to a Packinghouse assigned to the Producer's designated Agency.
  - (5) With the prior, written approval of the Commission, a Producer with a Valid Licence may engage in a Manifest Sale.
  - (6) Unless otherwise authorized by the Commission, Producers, other than Producer-Shippers, shall not market to more than one Processor or Agency.

### **Producer-Shipper Requirements and Limitations**

#### *Marketing*

- 17. (1) Every Producer-Shipper must pack, market, and distribute Greenhouse Crops, Processing Crops or Storage Crops produced by it only in accordance with a detailed marketing plan approved in writing by the Commission.
- (2) No Producer-Shipper shall market Greenhouse Crops, Processing Crops or Storage Crops in a manner that is contrary to any direction made by the Commission from time to time.

- (3) Unless otherwise approved by the Commission in writing, all Greenhouse Crops, Processing Crops or Storage Crops marketed by a Producer-Shipper must meet or exceed Canada No. 1 Grade or Canada No. 2 Grade, and must be packed in Containers which comply with all applicable requirements under the *Safe Food for Canadians Act*;
- (4) No Producer-Shipper shall receive Greenhouse Crops, Processing Crops or Storage Crops from a Packinghouse that has not been assigned to the Producer-Shipper by the Commission.
- (5) Subject to subsection (6), no Producer-Shipper shall market Greenhouse Crops, Processing Crops or Storage Crops produced by any other Producer.
- (6) No Producer-Shipper shall market Greenhouse Crops, Processing Crops or Storage Crops to an Agency or to another Producer-Shipper except where:
  - (a) the Commission has granted prior, written approval;
  - (b) the amount marketed to an Agency or to another Producer-Shipper does not exceed 5% of the Producer-Shipper's authorized production volume; and
  - (d) the period over which Greenhouse Crops, Processing Crops or Storage Crops are being marketed to an Agency or to another Producer-Shipper does not exceed 15 days.

#### *Minimum Price*

18. Producer-Shippers must not market any Greenhouse Crops, Processing Crops or Storage Crops at a price (net of all deductions, holdbacks or chargebacks) that is less than the applicable minimum price published from time to time by the Commission, except as the Commission may otherwise expressly permit in writing.

#### **Packinghouse Requirements and Limitations**

##### *Marketing*

19. (1) No person shall receive Raw Product from a Producer for the purpose of washing, sorting, grading, sizing, or packing directly into a Container except a Packinghouse with a Valid Licence or an Agency that operates a facility where Raw Product is washed, sorted, graded, sized, or packed directly into a Container.

- (2) Every Packinghouse must be assigned by the Commission to one or more Agencies or Producer-Shippers.
- (3) No Packinghouse may transport Greenhouse Crops, Processing Crops or Storage Crops from a Producer's Farm without a transport order issued by the Commission permitting such transport.

## **Processor Requirements and Limitations**

### *Marketing*

- 20. (1) No Processor shall sell or offer for sale or supply regulated product except in a processed form.
- (2) No Processor shall receive Processing Crops other than from a Producer with a Valid Licence, an Agency with a Valid Licence, or a Wholesaler with a Valid Licence.
- (3) Processors may refuse to accept or market any part of any Processing Crop delivered to it that is not of marketable quality. In that event, the Processor bears the onus of establishing that any part of any Processing Crop is not of marketable quality.
- (4) No Processor may transport Processing Crops from a Producer's Farm without a transport order issued by the Commission permitting such transport.

### *Minimum Price*

- 21. Processors must not market any Processing Crops at a price (net of all deductions, holdbacks or chargebacks) that is less than the applicable minimum price published from time to time by the Commission, except as the Commission may otherwise expressly permit in writing.

## **Agency Requirements and Limitations**

### *Provincial Office*

- 22. Every Agency licensed by the Commission must maintain a staffed office with the Province.

*Active Engagement in Marketing*

23. Every Agency licensed by the Commission must be actively engaged in marketing Greenhouse Crops, Processing Crops or Storage Crops received from its assigned Producers.

*Determination as to Whether an Agency is Actively Engaged in Marketing*

24. (1) The Commission will determine, in its sole discretion, whether an Agency is actively engaged in marketing Greenhouse Crops, Processing Crops or Storage Crops received from its assigned Producers. Without limiting the generality of the foregoing, the Commission will have regard to the following factors:
- (a) whether the Agency is directly identifying target markets, creating marketing plans, and implementing marketing plans;
  - (b) whether the Agency is dealing directly with purchasers other than Wholesalers;
  - (c) whether the Agency is directly managing all aspects of sales and marketing including the preparation of related documentation, the collection of sales revenues, the distribution of sales revenues and management of payables; and
  - (d) whether the Agency is relying excessively on wholesalers or other third parties to market Greenhouse Crops, Processing Crops or Storage Crops received from its assigned Producers.
- (2) For the purpose of determining whether an Agency is actively engaged in marketing Greenhouse Crops, Processing Crops or Storage Crops received from its assigned Producers, the Commission shall have regard to the substance and effect of any arrangement made between the Agency and any other person, irrespective of the form of that arrangement.
- (3) Where it appears to the Commission that the Agency is primarily relying on others to market Greenhouse Crops, Processing Crops or Storage Crops received from its assigned Producers, the entrant shall be deemed not to be actively engaged in marketing Greenhouse Crops, Processing Crops or Storage Crops received from its assigned Producers.

*Minimum Price*

25. Agencies must not market any Greenhouse Crops, Processing Crops or Storage Crops at a price (net of all deductions, holdbacks or chargebacks) that is less than the applicable minimum price published from time to time by the Commission, except as the Commission may otherwise expressly permit in writing.

*Marketing*

26. (1) Unless otherwise approved by the Commission in writing, all Greenhouse Crops, Processing Crops or Storage Crops marketed by an Agency must meet or exceed Canada No. 1 Grade or Canada No. 2 Grade and be packed in Containers which comply with all applicable requirements under the *Safe Food for Canadians Act*.
- (2) No Agency may transport Greenhouse Crops, Processing Crops or Storage Crops from a Producer's Farm without a transport order issued by the Commission permitting such transport.

*Dealings with Producers and Other Agencies*

27. (1) Producer Marketing Agreements must not be inconsistent with any order made by the Commission. To the extent of any conflict or inconsistency between the terms of a Producer Marketing Agreement and any order made by the Commission from time to time, the terms of the order made by the Commission shall prevail.
- (2) Subject to subsection (3), Agencies must accept for marketing and shall market the Greenhouse Crops, Processing Crops or Storage Crops from any Producer directed to it by the Commission, and every such Producer shall receive returns, in the same manner as other Producers delivering Greenhouse Crops, Processing Crops or Storage Crops to that Agency.
- (3) Agencies may refuse to accept or market any Greenhouse Crops, Processing Crops or Storage Crops that is not of marketable quality.
- (4) Agencies must have a trace-back and recall system that adequately identifies and traces the Greenhouse Crops, Processing Crops or Storage Crops from the time it is shipped by a Producer until it is received and purchased by a Wholesaler or Retailer.
- (5) Before Greenhouse Crops, Processing Crops or Storage Crops may be transported from a Producer's farm, an Agency must create and maintain a record specifying:

- (a) the day or days on which such Greenhouse Crops, Processing Crops or Storage Crops will be transported;
  - (b) the volume and particulars of the Greenhouse Crops, Processing Crops or Storage Crops so transported; and
  - (c) the identity and location of the recipient of the Greenhouse Crops, Processing Crops or Storage Crops.
- (6) Where authorized by the Commission, Agencies may conduct a pool or pools for the distribution of all proceeds received from the sale of the Greenhouse Crops, Processing Crops or Storage Crops. In that event, the Agency shall distribute the proceeds of sale of each pool, after deducting necessary and proper disbursements, expenses and charges, as permitted or directed by the Commission.
- (7) Agencies must distribute the proceeds of sales not later than the 20<sup>th</sup> day of the month following the month in which the sales were made, unless otherwise approved in writing by the Commission.
- (8) Agencies must not charge any Producer any amount in excess of the service fees from time to time approved by the Commission for packing, cooling, grading, storing, washing, handling, transporting and marketing of the Greenhouse Crops, Processing Crops or Storage Crops.
- (9) Agencies must deduct levies and charges payable by Producers from the amounts payable to such Producers as directed by the Commission, and remit such funds to the Commission, not later than the 20<sup>th</sup> day of the following month.
- (10) Agencies must cooperate with other Agencies in the marketing of Greenhouse Crops, Processing Crops or Storage Crops.

*Prohibitions*

28. (1) No Agency shall receive or market any Greenhouse Crops, Processing Crops or Storage Crops from a Producer who does not have a valid and current Producer Licence.
- (2) No Agency shall receive any Greenhouse Crops, Processing Crops or Storage Crops from a Producer that was not grown by that Producer unless expressly authorized by the Commission.
- (3) No Agency may receive Greenhouse Crops, Processing Crops or Storage Crops from a Packinghouse that has not been assigned to the Agency by the Commission.

- (4) No Agency may market Greenhouse Crops, Processing Crops or Storage Crops except in accordance with a detailed marketing plan approved in writing by the Commission.
- (5) No Agency may market Greenhouse Crops, Processing Crops or Storage Crops in a manner that is contrary to any direction made by the Commission from time to time.

### **Wholesaler Requirements and Limitations**

#### *Marketing*

29. No Wholesaler shall receive or purchase Greenhouse Crops, Processing Crops or Storage Crops except from an Agency or Producer-Shipper.

#### *Packing*

30. No Wholesaler shall provide services as a Packinghouse to an Agency without the express, written approval of the Commission.

### **PART V – REASSIGNMENT OF PRODUCERS BETWEEN AGENCIES**

#### **Where There is Agreement**

31. Where there is agreement between a Producer, its designated Agency, and another Agency, a Producer may reassign to that other Agency upon providing notice to the Commission of the effective date of the reassignment, and provided that the Commission does not otherwise direct.

#### **Where There is No Agreement**

32. (1) Subject to subsection (2), where a Producer wishes to reassign from its designated Agency to another Agency, or where an Agency wishes to discontinue receiving Greenhouse Crops, Processing Crops or Storage Crops from a Producer, the Commission may redesignate the Agency through which that Producer's Greenhouse Crops, Processing Crops or Storage Crops shall be marketed, upon the application of the Producer or the Agency, as the case may be.
- (2) Applications made pursuant to subsection (1) must be received by the Commission on or before August 31 of the year preceding the crop year in which the reassignment is to be effective.

## **PART VI – REPORTING AND INSPECTION**

### **Records to be Available for Inspection**

33. (1) Every person engaged in the marketing of a regulated product shall keep such books, records, and accounts, as will afford an intelligent understanding of the conduct of their business, in a form and containing particulars as the Commission may from time to time prescribe.
- (2) All books, records, and accounts required to be kept under subsection (1) must at all times be available for inspection by the Commission, or any officer or auditor of the Commission, or any other person as may be authorized by the Commission from time to time to make an inquiry or report.
- (3) Every person engaged in the marketing of a regulated product shall retain and have available for inspection by the Commission all original records, whether contained in books or accounts or otherwise, for a period of three years.

### **Inspection of Premises**

34. Every person engaged in the marketing of a regulated product shall permit any member or employee of the Commission, or any person designated by the Commission, to inspect their business premises for the purposes of determining whether or not there has been compliance with orders of the Commission.

### **Agency Reporting to Commission**

35. (1) Every Agency shall, 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, provide the Commission with a true and detailed report of each Producer's Delivery Allocation and/or Production Allocation and shipments.
- (2) Every Agency shall provide to the Commission, on request, pool settlement statistics showing quantities, price ranges and final pool prices.
- (3) Every 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 approved by the Commission is a nullity.

## **Producer-Shipper Reporting to Commission**

36. (1) Every Producer-Shipper must provide the Commission with a true and detailed report of all Greenhouse Crops, Processing Crops and Storage Crops marketed, including volumes shipped and prices received, as directed by the Commission.
- (2) Every Produce-Shipper must forthwith report to the Commission any proposed change to its marketing plan.

## **PART VII – LEVIES**

### **Producer and Producer-Shipper Levies**

37. (1) Levies are fixed and imposed on each Greenhouse Crop Producer and Greenhouse Crop Producer-Shipper, irrespective of whether any such Producer or Producer-Shipper is the holder of a Valid Licence, as follows:
  - (a) An annual administration levy of \$0.08 per m<sup>2</sup> of total greenhouse area under production; and
  - (b) An annual research and industry development levy of \$0.20 per m<sup>2</sup> of total greenhouse area under production; and
- (2) Levies are fixed and imposed on each Storage Crop Producer and Storage Crop Producer-Shipper, irrespective of whether any such Producer is the holder of a Valid Licence, as follows:
  - (a) An annual administration levy of \$4.84 per ton of fresh Storage Crops produced and marketed, other than potatoes;
  - (b) An annual administration levy of \$7.01 per ton of fresh potatoes produced and marketed;
  - (c) An annual administration levy of \$3.88 per ton of contract crops produced and marketed, other than potatoes;
  - (d) An annual administration levy of \$5.99 per ton of contract potatoes produced and marketed;
  - (e) An annual research and industry development levy of \$1.00 per ton of fresh potatoes produced and marketed;
  - (f) An annual research and industry development levy of \$1.00 per ton of contract potatoes produced and marketed; and

- (g) An annual research and industry development levy of \$0.50 per ton of cabbages, rutabagas and turnips produced and marketed.
- (2) Levies are fixed and imposed on each Processing Crop Producer, irrespective of whether any such Producer is the holder of a Valid Licence, as follows:
  - (a) An annual administration levy of \$5.81 per ton of broccoli, Brussels sprouts and cauliflower produced and marketed;
  - (b) An annual administration levy of \$6.35 per ton of peas produced and marketed;
  - (c) An annual administration levy of \$5.22 per ton of beans produced and marketed;
  - (d) An annual administration levy of \$17.99 per ton of strawberries produced and marketed; and
  - (e) An annual research and industry development levy of \$5.00 per ton of strawberries produced and marketed.

#### **Deduction and Remittance by Processors and Agencies**

- 38. (1) Every Processor and Agency shall deduct all levies due from a Producer against the amounts due to the Producer, and shall remit such levies to the Commission on or before the 15<sup>th</sup> day of August each year, or otherwise at such time or times, and in such manner, as the Commission may direct.
- (2) Levies not otherwise deducted and remitted by Processors or Agencies in accordance with subsection (1) are due directly from Producers and Producer-Shippers on or before the 15<sup>th</sup> day of August each year, or otherwise at such time or times, and in such manner, as the Commission may direct.

#### **PART VIII – REPEAL AND COMMENCEMENT**

- 39. (1) The General Order made on May 29, 2024 (as amended) and the Agency Order made on June 27, 2024 (as amended) are hereby repealed.
- (2) This Order comes into effect on January 2, 2025.

**DATED** at Surrey, British Columbia on January 2, 2025.

**BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION**



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Derek Sturko, Chair



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Hugh Reynolds, Secretary

**SCHEDULE 1**

<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		