



BC Farm Industry Review Board

August 14, 2024

DELIVERED BY EMAIL

Janice Comeau, Chair
BC Milk Marketing Board
540-19933 88th Avenue
Langley, BC
V2Y 4K5

Dear Janice Comeau:

Re: BC Milk Marketing Board's July 31, 2024 Letter on the Western Milk Pool Transformation Initiative

Thank you for your response letter of July 31, 2024 confirming our understanding of the status of the Western Milk Pool Transformation Initiative ("Transformation Initiative") is correct and advising that the BC Milk Marketing Board ("BCMMLB") is working on a revised version of the Western Milk Pool Agreement ("WMPA") which you anticipate providing to the BC Farm Industry Review Board ("BCFIRB") later this year.

In light of a new draft WMPA being imminent, and in response to your request for an extension to September 15, 2024 to respond to our May 1, 2024 questions (found in Appendix A), I can confirm that BCFIRB does not expect the BCMMLB to provide answers to outstanding questions relating to the existing draft WMPA shared with BCFIRB. However, those questions provide a starting point for the type of analysis BCFIRB expects the BCMMLB to undertake in support of any new draft WMPA, and they should be answered in that context when the new draft is prepared and shared with BCFIRB.

BCFIRB's expectation is that any draft WMPA brought forward by the BCMMLB for our review and prior approval, should clearly demonstrate or be supported by a written analysis of how such agreement (and any supporting documents) fits within the existing legal authorities and is SAFETI¹ based. Also as per the legislation, any such agreement should be provided to the Ministry of Agriculture and Food for their review and prior approval as well.

In addition, the BCMMLB requested clarification of the following statement contained in our July 24, 2024 letter:

"We also wish to confirm that the process followed to date with respect to the Transformation Initiative, including public announcements of steps taken, was not consistent with sound marketing policy, and directly undermined the supervisory relationship between BCFIRB and BCMMLB."

¹ Strategic, Accountable, Fair, Effective, Transparent, and Inclusive. See the [SAFETI definitions and guidance document](#) for more information.

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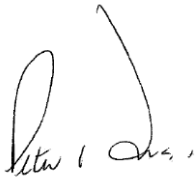
August 14, 2024

That statement reflects the reality that even before receiving the draft WMPA in October 2023, BCFIRB identified general concerns and questions about the WMPTI and BCMMB's authorities in relation to the WMPTI. Following this, BCMMB shared the WMPA and the governance framework for the WMPTI (the Memorandum's of Understanding) with BCFIRB for review and consideration in the fall and winter of 2023. Before hearing from BCFIRB on its review of these documents, BCMMB took steps to implement the WMPTI and issued public notices of those steps to its producers. Even though BCMMB has either abandoned or withdrawn some of these steps based on BCFIRB identifying legal issues with BCMMB's respective authorities, we remain of the view that taking steps to implement the WMPTI while still in draft form and prior to addressing substantial concerns has been disruptive to industry and as such, is inconsistent with sound marketing policy.

In a related matter, the BCMMB has confirmed it will provide an update on the status of the WMP Board and the plans for next steps in collaboration between Western Milk Pool organizations for the Western Milk Pool by September 15, 2024. BCFIRB looks forward to receiving information on the anticipated role of the WMP Board and receiving a clear picture of what the anticipated collaboration between Western Milk Pool organizations will look like and how such collaboration is consistent with the statutory framework.

Please feel free to contact Martha Anslow, Executive Director, if you have any questions.

Regards,

A handwritten signature in black ink, appearing to read "Peter Donkers". The signature is written in a cursive style with a large, sweeping initial "P".

Peter Donkers

Chair, BC Farm Industry Review Board

Cc: Rob Delage, BCMMB General Manager
Cc: Leah Sheffield, BCMMB Executive Director
Cc: Peter Pokorny, Deputy Minister, Ministry of Agriculture and Food
Cc: Eric Kristianson, Assistant Deputy Minister, Ministry of Agriculture and Food
Cc: Gunta Vitins, BCFIRB Vice-Chair
Cc: Martha Anslow, BCFIRB Executive Director
Cc: BCFIRB Website

Appendix A: Remaining WMPA Questions

May 1, 2024 Questions from BCFIRB on WMPA	
1)	Please explain in detail the role of the Members Committee, including without limitation the types of topics on which the Members Committee will make decisions?
2)	Please explain in detail the role of MIAC in relation to the Members Committee, the 2023 WMP Agreement, and the Transformation Initiative more generally?
3)	Will the Members Committee receive any authority delegated from BCMMB? If so, what powers will be delegated to the Members Committee?
4)	Will decisions by the Members Committee be implemented locally by the BCMMB in order to take effect in British Columbia? Or will BC regulated actors be affected by decisions taken by the Members Committee standing on their own, without further implementation by the BCMMB?
5)	Section 1.05 of the 2023 WMP Agreement would require the BCMMB to request legislative changes to implement decisions of the Members Committee. Is the BCMMB also required to implement decisions of the Members Committee when legislative change is not otherwise required?
6)	Section 1.04(k) of the 2023 WMP Agreement requires the BCMMB to hear all reviews and appeals related to decisions made by the Members Committee and/or the Western Milk Marketing Boards. Does the BCMMB propose to hear appeals of decisions taken by the Members' Committee locally in British Columbia? What types of decisions will be appealed to the BCMMB? How does this power overlap with BCFIRB's appellate power?