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## BC Farm Industry Review Board

February 27, 2025

File: 44200-35/MPL-REDSUN

### DELIVERED BY EMAIL

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Chair  
BC Vegetable Marketing Commission

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Dear W. Shoemaker, M. Camley, C. A. B. Ferris, J. K. McEwan & W. E. Stransky:

### RE: BC VEGETABLE MARKETING COMMISSION REVIEW OF MPL BRITISH COLUMBIA DISTRIBUTORS INC. PROBATIONARY AGENCY DESIGNATION AND JEM-D INTERNATIONAL DBA RED SUN FARMS AGENCY DESIGNATION – INTERIM DECISION

On February 13, 2025, the British Columbia Farm Industry Board (“BCFIRB”) supervisory panel (“Panel”) issued a [letter](#) establishing a submission process to hear from MPL British Columbia Distributors Inc. (“MPL”), Greenhouse Grown Foods Inc. (“GGFI”) and Windset Farms (Canada) Ltd. (“Windset”) and the BC Vegetable Marketing Commission (“Commission”) on MPL’s request for an extension to its Probationary Licence, until such time as the Panel can conclude its approval process and issue its decision.

The Panel has now received and reviewed the submissions and is ready to make a decision on this preliminary issue.

### Submission Received

MPL argued that "sound and orderly marketing at a minimum requires extending the Agency Licence and continuing the current status quo while BCFIRB’s approval process for the Agency Review Decision runs its course." It says that maintaining the status quo ensures a stable product supply, fair market access for producers, and protection for all stakeholders, including MPL, producers, and customers. It also prevents market confusion and instability, helping preserve trust and confidence in the system’s integrity.

The Commission agrees that an extension should be granted in order to maintain the status quo and to avoid unnecessary disruption to orderly marketing. GGFI and Windset

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do not oppose MPL being granted an extension to its probationary agency licence but argue MPL BC should continue to operate under a probationary agency licence with the conditions imposed by BCFIRB in its October 11, 2023, decision<sup>1</sup> until such time as the BCFIRB approval process is complete.

### **Interim Decision on Preliminary Issue**

The Panel has carefully considered all submissions from MPL, GGFI and Windset, and the Commission. The Panel acknowledges the importance of maintaining stability in the marketplace and agrees with MPL that an extension will ensure continued stability in product supply, fair market access, and protection for all stakeholders involved. The Commission is in agreement with the extension and GGFI and Windset do not oppose an extension as long as the conditions imposed by BCFIRB in the October 11, 2023, decision remain in effect.

Accordingly, the Panel grants the extension of MPL's probationary agency licence, subject to the existing conditions of its probationary licence as outlined in BCFIRB's October 11, 2023 decision, until the issuance of this Panel's decision in the approval process. This extension will allow MPL to maintain the status quo, avoid disruptions in the supply chain, and preserve the integrity and trust in the regulatory system during the approval process.

MPL is still required to have a senior executive serve as a liaison to the Commission. Regarding the reporting requirement, MPL's last report was submitted in December 2024 and this requirement has now been met. There is no further need for MPL to report to BCFIRB while this supervisory review process is underway as any additional reporting would be redundant.

The Panel's order extending MPL's probationary licence is not determinative of any issue related to the Commission's decision to designate MPL as an agency which is the subject of this BCFIRB approval process and is without prejudice to any arguments participants may wish to raise in this approval process.

### **Order**

BCFIRB extends the designation of MPL as a designated agency as per the Natural Products Marketing (BC) Act Regulations section 8 for a probationary period, continuing until such time as the Panel issues its decision in this approval process.

As a condition of the probationary licence, MPL is to continue to have a senior executive act as Vegetable Commission liaison.

This order is made without prejudice to any arguments participants may wish to raise in this approval process.

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<sup>1</sup> BCFIRB. October 11, 2023. [MPL British Columbia Distributors Inc. \(MPL BC\) Agency Designation Approval Decision](#), paras 83-84.

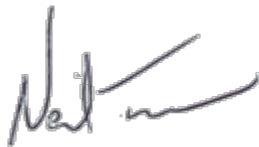
## Next Steps

On February 7, 2025, GGFI and Windset filed an appeal with BCFIRB of the Commission's January 22, 2025, decision approving MPL and Red Sun agency designation.

On February 13, 2025, the presiding member of the appeal panel, David Zirnhelt, established a submission process to hear from the parties on whether the appeals should be deferred pursuant to section 8(8) of the Natural Products Marketing (BC) Act (NPMA) to allow the approval supervisory process to conclude. That submission process has concluded. Mr. Zirnhelt issued his decision on February 21, 2025, that the appeal will be deferred to the conclusion of the supervisory process at which time he will seek further submissions from the parties as to whether any live issues remain.

The Panel will provide further clarification in the near future regarding the scope and submission process related to the MPL and Red Sun agency designation approvals. The Panel appreciates it is the interests of all concerned for a timely decision while still providing a reasonable opportunity for industry stakeholders to be heard.

Regards,



Neil Turner,  
Presiding Member & BCFIRB Vice-Chair  
BC Farm Industry Review Board

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