BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

IN THE MATTER OF THE *NATURAL PRODUCTS MARKETING (BC) ACT* AND

OPV MARKETING LTD. (OPVML)

AGENCY DESIGNATION APPROVAL

August 20, 2026

INTRODUCTION

1. Agencies are businesses licenced by the BC Vegetable Marketing Commission (Vegetable Commission) and approved under section 8 of the *Natural Products Marketing (BC) Act Regulations* (NPMA Regulations) by the British Columbia Farm Industry Review Board (BCFIRB). The role of an agency is to market regulated vegetables on behalf of producers to the exclusion of other businesses and to harness the collective power of producers to gain market access. Rather than individual producers seeking out markets for their vegetables, agencies take on that job and, by "pooling" production from multiple producers, can sell to larger markets. Agencies are delegated certain legislative authorities by the Vegetable Commission, to whom they are directly accountable.

2. Agencies also play a larger, front-line strategic role in assisting the Vegetable Commission to regulate, manage and grow the regulated vegetable sector in an orderly fashion. Agency designation is a privilege. It is non-transferable and is not approved in perpetuity.

3. On January 22, 2026, the Vegetable Commission made its decision recommending that OPV Marketing Ltd. (OPVML) be designated an agency (the Decision) to market regulated greenhouse vegetables in British Columbia. It now falls to the BCFIRB panel (the Panel) to consider whether to approve OPVML as a designated agency.

4. As stated by the Vegetable Commission at paragraph 5 of its January 22, 2026, decision:

> The designation of a new agency is not a routine matter akin to the issuance of a producer licence. Unlike some other regulated commodities, the vegetable industry is not supply managed. Centralized, coordinated marketing through agencies is the primary mechanism by which the Commission maintains orderly marketing, promotes the development of the industry, and ensures that producer returns are maximized. Consequently, the decision to grant or refuse agency status is a matter of fundamental marketing policy.

PROCEDURAL HISTORY OF REVIEW

5. On June 10, 2026, the Panel requested the record relied upon by the Vegetable Commission in making its decision. The record was received from the Vegetable Commission on June 12, 2026.

6. On July 21, 2026, the Panel provided the parties with its preliminary view that the record provided by the Vegetable Commission provided it with sufficient information to make a decision. The Panel invited the parties to provide

submissions with respect to whether any further evidence or submissions were required for the Panel to render a decision.

7. On July 23, 2026, the Panel received correspondence from both OPVML and the Vegetable Commission submitting that no further submissions or process were required. No correspondence was received from GGFI/Windset within the two-week timeframe specified in the process letter.

ISSUES

8. With respect to the approval of OPVML as an agency, the Panel considered the following questions:

    a) Was the process conducted by the Vegetable Commission procedurally fair and reflective of SAFETI[1] principles?

    b) Does approving OPVML as an agency accord with sound marketing policy?

LEGAL AUTHORITIES

9. Under section 8 of the NPMA Regulations, no designation of any agency shall be effective unless approved in writing by BCFIRB.

10. Under section 7.1(2) of the *NPMA*, BCFIRB may exercise its powers under this section at any time, with or without a hearing, and in the manner, it considers appropriate to the circumstances.

ANALYSIS

11. The Panel grounds its decision in the record before the Vegetable Commission, which in the Panel's view provides a sufficient record for it to make its decision. No party made any argument to the contrary despite being provided with an opportunity to do so.

a) Was the process conducted by the Vegetable Commission procedurally fair and reflective of SAFETI principles?

12. The Panel acknowledges the importance of SAFETI principles in decision-making. The Vegetable Commission's agency designation application requirements are set out in Part II of its General Order (January 2, 2025). Applicants are required to submit a detailed package of information meeting the established criteria for agency designation (section 9(4)(a-i)). Applications are reviewed by a five-member

[1] Strategic, Accountable, Fair, Effective, Transparent, Inclusive.

panel of Vegetable Commission members. Applicants present their application to the panel and, if satisfied that the application should not be summarily dismissed, the panel engages in further consultation with industry stakeholders based on a redacted version of the application and notice of proceedings. Following the consultation, the panel decides whether to recommend designated agency status based on the established criteria.

13. The Panel concludes that the chronology set out in the Vegetable Commission's January 22, 2026 decision is consistent with the process established in its General Order (January 2, 2025):

    a) On August 21, 2025, OPVML appeared before the Vegetable Commission panel to present its application and to respond to the Vegetable Commission's panel's questions.

    b) On September 9, 2025, the Vegetable Commission panel wrote to OPVML requesting additional information. OPVML submitted a letter and supplemental attachments in response on September 19, 2025

    c) On September 29, 2025, the Vegetable Commission panel reviewed the supplementary materials submitted by OPVML. The Vegetable Commission wrote to OPVML in October 3, 2025 with specific questions and OPVML replied on October 9, 2025 with its responses.

    d) On October 15, 2025, the Vegetable Commission panel met and determined it was satisfied with OPVML's response and to engage in further consultation with industry stakeholders in accordance with subsection 9(3) of the General Order (January 2, 2025).

    e) On October 17, 2025, the Vegetable Commission issued a bulletin to industry seeking stakeholder input, which included a redacted copy of OPVML's application and Notice of Proceedings.

14. The Vegetable Commission received one submission, from GGFI/Windset, which expressed opposition to the designation of OPVML as an agency primarily on the grounds of proliferation. They argued that there is no unmet demand for agencies and that the addition of a new agency would negatively impact producer returns. The Vegetable Commission addressed concerns from the GGFI/Windset submission in its Decision.

15. The Panel is satisfied that the process employed by the Vegetable Commission was procedurally fair and reflective of SAFETI principles. The notice for consultation was distributed broadly and inclusively and materials were fulsome and transparent. The timeframe provided for input was standard per past agency designation decisions and sufficient for submissions and replies. Concerns and opposition in submissions were addressed fairly and transparently in the Decision.

b) Does approving OPVML as an agency accord with sound marketing policy?

16. As noted at the outset, agencies are businesses licenced by the Vegetable Commission to market regulated vegetables and harness the collective power of producers to gain market access. Agencies play a strategic role in assisting the Vegetable Commission to regulate, manage and grow the regulated vegetable sector in an orderly fashion. The decision whether to designate a new agency is a matter of fundamental marketing policy determined in the first instance by the Vegetable Commission and reviewed by the Panel.

17. Currently, there are nine designated agencies licenced to market regulated greenhouse crops in BC. Marketing volumes and operations vary; some agencies primarily service regional markets (such as Vancouver Island) with local production while other larger operations have both domestic and export markets supplied by BC and international production (such as the US and Mexico).

Context of OPVML's Application

18. As highlighted in the Decision, OPVML's agency application arose in unusual circumstances. Pursuant to a legacy marketing arrangement, a wholesaler, David Oppenheimer and Associates (DOA) had been effectively undertaking marketing that ought to have been performed by a designated agency. OPVML sought an agency license to regularize DOA's operations and continue serving six producers (Decision, para. 33):

> OPVML identifies the "primary and most important objective" of its application for an Agency licence as achieving compliance with the BCVMC regulatory framework, as clarified by the Commission's General Order amendments effective January 1, 2024, including the provisions governing agency operations. This objective is rooted in a "remedial" restructuring of a legacy marketing arrangement that no longer aligns with the clarified regulatory expectations. For more than a decade, production from six producers was assigned to Vancouver Island Farm Products Inc. ("VIFP"), while the actual marketing was conducted by DOA under a subcontract, notwithstanding that such marketing functions fall within the scope of activities contemplated for licensed agencies under the BCVMC regulations. OPVML proposes to "regularize" this arrangement by transferring marketing responsibility from the wholesaler to a licensed Agency, thereby ensuring that the marketing activities are conducted in accordance with the BCVMC regulations, and subject to more direct regulatory oversight by the Commission.

19. OPVML was established to undertake the marketing activities previously undertaken by DOA, but through a designated agency. DOA is a subsidiary of Grandview Brokerage Ltd. OPVML is a 50/50 partnership between Grandview Brokerage Ltd. and Randhawa Farms. OVPML was created and organized specifically to allow it to take on the marketing activities that DOA had carried out

under subcontract for Vancouver Island Fresh Produce (VIFP) as a licensed agency, in order to become compliant with the General Order (January 1, 2024).

20. The Decision characterizes the application as one not involving a new market entrant, but reflecting "a structural change to an established business that has historically marketed BC production as a wholesaler acquiring product through an agency" (para. 32).

Vegetable Commission's Analysis

21. In its Decision, the Vegetable Commission summarized the conditions and the threshold an applicant must meet to be granted an agency designation (para. 10):

> In summary, the designation of a new agency should only follow where the Commission is satisfied that the presence of an additional agency will not result in price erosion, lead to market confusion or otherwise undermine orderly marketing. Furthermore, the Commission must be satisfied that the presence of an additional agency will enhance orderly marketing, promote the development of the industry, and ensure that producer returns are maximized. There is a high threshold that must be satisfied before an application for agency status will be granted.

22. This high threshold is reflected in the nine conditions found in Part II of the General Order (January 2, 2025), para. 9(4), which state:

> 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.

23. The Vegetable Commission's rationale for recommending OPVML be designated an agency is reviewed in para. 35 of the Decision. It describes this remedial action to regularize the "Legacy VIFP Marketing Program" as a "significant benefit" (para. 35(a)). It finds that there is ongoing demand for products marketed through this program, and ultimately has confidence in the knowledge, operational systems, and assurances of OPVML.

24. In the Decision, the Vegetable Commission finds that OPVML's operational plan, knowledge, and capacity is sufficient, and indicates that OPVML "will not operate merely as a shell for DOA" (para. 36).

25. The proposed agency has the support of six greenhouse producers currently shipping to the designated agency, VIFP. The proposed agency does not plan to pull producers from other agencies.

26. The Decision states that VIFP, the agency who will lose the six producers that expressed support for OPVML, is itself supportive of OPVML's application.

27. In consideration of the submission from GGFI/Windset stating that there is no demand for additional agency capacity, the Vegetable Commission concludes that producer demand for the specific retail relationships held by OPVML exists:

> OPVML demonstrates its capacity by referencing a "customer list that is over 1,000 banners strong," including "Costco in the U.S. and Canada, Loblaw and Whole Foods". The Commission finds there is clear evidence of ongoing demand for the products marketed through this program. (para. 35(e)).

And that:

> The record does not indicate that existing agencies developed or maintained the customer relationships associated with that production or were positioned to fully satisfy the customer requirements tied to those markets. In these circumstances, the historical continuation of marketing through VIFP and DOA suggests that the

established arrangement addressed both producer and customer needs (para. 35(b)).

28. Further, the Vegetable Commission concludes that the designation of OPVML as an agency maintains orderly marketing by preserving the market relationships held by Grandview Brokerage through DOA (para. 36):

> While existing agencies may have physical capacity, the production supporting this application is already tied to complex, multi-year retail programs. Granting this application "regularizes" that marketing activity.

DECISION

29. Agency applications are naturally contentious given there are a limited number of licences granted to market BC-regulated greenhouse vegetables. This application arises out of unique circumstances, insofar as it reflects an effort to come into compliance with the Vegetable Commission’s General Order, such that the Vegetable Commission has greater regulatory oversight over the marketing that was formerly being undertaken by DOA.

30. The Panel agrees with the Vegetable Commission’s conclusion that this enhances orderly marketing (Decision, para. 35(c)):

> “… orderly marketing is enhanced when a wholesaler-led model is replaced by a direct agency model, as it strengthens the regulatory accountability of the participants”.

31. Based on the record that was before the Vegetable Commission and now the BCFIRB Panel, and for the same reasons articulated by the Vegetable Commission, the Panel is satisfied that the OPVML application satisfies the conditions in General Order section 9(4), and is consistent with sound marketing policy. OPVML has harnessed the power of the customer relationships associated with DOA. Forcing six producers to leave their established marketing partners would risk market confusion and supply disruptions. Allowing the six producers to continue to be served by their existing network of marketers and retailers, a network that no evidence has shown exists through currently existing agencies, is of critical importance.

32. Additionally, granting OPVML an agency license will make OPVML subject to enhanced oversight by the Vegetable Commission, to which it will have a fiduciary relationship. The Panel is satisfied that OPVML has proactively engaged with the Vegetable Commission’s process and questions, and it has demonstrated the knowledge, capacity and ability to operate effectively as an agency.

33. The Panel also finds that the Vegetable Commission adequately addressed the opposition to the addition of OPVML as a new agency by GGFI/Windset and agrees with the Vegetable Commission’s analysis. As with the addition of any

agency, it is always possible that the addition of a new agency into the marketplace could increase competition between agencies. In this case, however, the risks associated with agency proliferation, including price erosion for producers, are low, given that OPVML does not intend to poach producers from other agencies, only to take formal and regulated responsibility for those producers currently marketed through DOA under subcontract with VIFP. Moreover, potential market disruption alone would not be justification to refuse the application.

34. Ultimately, the risks pointed to by GGFI/Windset were largely speculative, and outweighed by the benefits of creating a proper regulatory pathway to six producers maintaining the marketing and retail relationships they have been served by for over a decade.

CONCLUSION

35. The Panel has undertaken its own assessment and has concluded that the designation of OPVML as an agency is consistent with sound marketing policy. Further, the Panel finds that the Vegetable Commission's process was fair and consistent with SAFETI principles and appropriately assessed OPVML's application against the criteria in section 9(4) of the General Order, as noted above. The Panel approves the Vegetable Commission's recommendation to designate OPVML as an agency under section 8 of the NPMA Regulations.

36. While the Panel is satisfied that it is appropriate to grant OPVML an agency license, the Panel observes that it appears VIFP and DOA were operating in non-compliance with the Vegetable Commission's General Order insofar as marketing was being undertaken by DOA as wholesaler. The question of whether VIFP and DOA were in non-compliance with the General Order, and what, if any, remedy is appropriate, are matters for the Vegetable Commission to consider at first instance, and are beyond the scope of this agency approval decision. The Panel encourages the Vegetable Commission to consider that question, and the extent to which its existing agency review practices allow it to monitor for non-compliance of the type that the OVPML agency designation was intended to rectify.

Dated at Victoria, British Columbia, this 20th day of August 2026.

Neil Turner

Presiding Member

David Wells

Member