

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

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

BC CHICKEN MARKETING BOARD

FINAL LONG-TERM PRICING RECOMMENDATION

May 22, 2024

## Panel's Order

1. The BC Farm Industry Review Board (BCFIRB) accordingly directs the British Columbia Chicken Marketing Board (Chicken Board) to implement its long-term pricing Recommendation on the following conditions:
  - a. The Chicken Board implements its October 30, 2023 Recommendation through the phased-in process identified in the Recommendation<sup>1</sup> over six-periods beginning in A-190<sup>2</sup> and ending in A-195.
  - b. The Chicken Board provides an implementation progress report to BCFIRB for each period of the phased in pricing implementation, with a final implementation report being provided by June 30, 2025.
2. BCFIRB further directs the Chicken Board to:
  - a. Monitor Recommendation implementation impacts on chicken growers and processors on an on-going basis, and in collaboration with the British Columbia Broiler Hatching Egg Commission (Commission), monitor the implementation impacts on hatching egg producers and hatcheries.
  - b. Collaborate with the Commission, as necessary, to ensure any significant implementation impacts that are identified through a transparent process and supported with verifiable data, are duly considered, and mitigated as appropriate.

## Background

3. In British Columbia, the broad chicken supply chain includes broiler hatching egg farmers, hatcheries (mostly owned and operated by processors as part of an integrated value chain), chicken growers for broiler chicks, and processors.
4. The Commission regulates the price paid by hatcheries to broiler hatching egg producers for hatching eggs, and the price paid to hatcheries by chicken growers for broiler chicks. The Chicken Board regulates the live price paid by chicken processors to chicken growers for chicken.
5. A price linkage agreement between the Chicken Board and the Commission was established in 1995 by BCFIRB, the purpose of which was to put chicken growers and hatching egg producers on an equal price footing by ensuring that the percentage of recovery of cost of production was the same.
6. There is an extensive multi-year history behind the long-term chicken pricing formula. Over the years, the Chicken Board has attempted to work towards a live

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<sup>1</sup> 2023 October 30. Chicken Board. ["Long-term Pricing Decision" p 19.](#)

<sup>2</sup> Period A-190 commences June 30, 2024.

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price formula that reflects the actual costs of producing chicken in BC. This introduction summarizes key appeal and supervisory requests and decisions received by BCFIRB relating to the long-term chicken price formula between 2010 to 2020 for contextual background.

7. In April 2009, BCFIRB received a request from the Primary Poultry Processors Association of BC (PPPABC) to conduct a formal supervisory review under section 7.1 of the *Natural Products Marketing (BC) Act* (NPMA) of the BC chicken industry on pricing, governance, and biosecurity issues.
8. In September 2009, the Chicken Board submitted to BCFIRB its recommendations in a report titled “*Model for Live Price for BC Grown Chicken and Related Recommendations*”. These recommendations included changes to the assurance of supply policy, the market development program, the catching policy, and the price linkage agreement between the Chicken Board and Commission.
9. In June 2010, BCFIRB issued a supervisory decision on the Chicken Board’s recommendations.<sup>3</sup> The decision resulted in BCFIRB directing the Chicken Board to adopt a pricing formula using a weighted average of Ontario and prairie production plus a fixed differential, and to remove the assurance of supply system in BC and replace it with an open contract system. This decision also addressed arguments regarding the impact of payment of premiums in an open contract system.
10. The 2010 supervisory decision also noted agreed upon principles for a workable pricing model:
  - a. “All parties in this supervisory review agree that a workable pricing model must be consistent, predictable, transparent, and result in a live price that provides growers a reasonable return and allows for processors to be competitive in the Canadian market... The model must also allow industry stakeholders to concentrate on market issues rather than arguing over price every eight weeks.”<sup>4</sup>
11. In 2015, the Chicken Farmers of Ontario changed their formula for setting the live price of Ontario chicken, resulting in a price decrease to Ontario chicken farmers. Prairie provinces also began increasing their historic differentials over the Ontario price. Given the BC pricing model used a weighted average of prairie and Ontario live price, the BC live price moved higher than the Ontario live price (by between \$0.08 - \$0.09 per kg).
12. By 2016, the Chicken Board was hearing that growers needed some recognition of the differences in feed and chick costs between Ontario and BC and that processors felt the changes in the differentials in prairie provinces were skewing

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<sup>3</sup> 2010 June 9. BCFIRB. [In the Matter of the \*Natural Products Marketing \(BC\) Act\* and a Supervisory Review of BC Chicken Marketing Board Pricing-Related Recommendations.](#)

<sup>4</sup> 2010 June 9. BCFIRB. [In the Matter of the \*Natural Products Marketing \(BC\) Act\* and a Supervisory Review of BC Chicken Marketing Board Pricing-Related Recommendations](#) p 5.

the differential between BC and Ontario. In light of these concerns, the Chicken Board again began work on a revised pricing model.

13. In June 2016, the Chicken Board began its review of the pricing formula and consulted with industry stakeholders. In May 2017, the Chicken Board issued a new price model which was appealed by PPPABC. The appeal was resolved through a mediated agreement in September 2017.
14. In accordance with the September 2017 mediated agreement, the Chicken Board worked to update its pricing model, and in June 2018, the Chicken Board approved an interim formula:
  - a. "BC Posted Price = Ontario price + 75% of the difference in feed costs per kilogram of live chicken between BC and Ontario (based on a 6-period rolling average) + \$0.0365 (catching)."

This interim price formula decision was appealed separately by both PPPABC and the BC Chicken Growers Association (BCCGA). A stay application was dismissed and the appeal was heard over seven days in October and November, 2018.

15. In its May 2019 decision, BCFIRB dismissed the BCCGA appeal, finding that the Chicken Board had weighed competing grower and processor interests in its interim decision to move away from the fixed differential to best achieve the objectives of regulated marketing. As for PPPABC's appeal, BCFIRB concluded the Chicken Board followed a procedurally fair process appropriate to the interim nature of the decision. While BCFIRB found there was verifiable data to support the Chicken Board's finding that BC grower returns were sufficiently low to require adjustment, there was not verifiable data to support the processors' argument of declining competitiveness. As such, BCFIRB dismissed PPPABC's appeal, holding that the interim pricing formula was consistent with sound marketing policy. BCFIRB directed the Chicken Board to issue its long-term pricing formula decision by January 2020.<sup>5</sup>
16. In December 2019, the BCCGA and PPPABC appealed decisions of the Commission to remove spent fowl and salvage egg revenue from the price linkage formula used to set the price of chicks, and reduce flock kill age from 58 to 56 weeks.
17. In January 2020, the Commission gave notice of its intended exit from the price linkage agreement with the Chicken Board as it no longer resulted in a sustainable price for hatching egg producers. The Commission requested the December 2019 appeals from the BCCGA and PPPABC be addressed as part of BCFIRB's supervisory consideration of its linkage exit submission. In February 2020, the appeal panel deferred the appeals to a supervisory process.

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<sup>5</sup> 2019 May 16. BCFIRB. [In the Matter of the Natural Products Marketing \(BC\) Act and Two Appeals from a Decision Concerning Chicken Pricing.](#)

## The Pricing Review

18. In March 2020, BCFIRB established a Chicken Sector Pricing Supervisory Review Panel (the Panel) under section 7.1 of the NPMA to address the Commission's notice to exit the price linkage agreement and any related supervisory matters.<sup>6</sup>
19. In April 2020, the Panel decided to include the outstanding long-term chicken pricing formula (Pricing Review) as a related supervisory review matter, given the inter-connected nature of broiler hatching egg and chicken pricing and the Chicken Board's inability to establish a long-term formula despite two deadline extensions.<sup>7</sup>
20. In June 2020, to support the development of a long-term chicken pricing formula, the Panel sought input from BCCGA, PPPABC, British Columbia Broiler Hatching Egg Producer's Association (BCHEPA), and the British Columbia Egg Hatchery Association (BCEHA) on how to promote industry stability through interim pricing while the long-term solutions were being developed. Based on the input received, on July 3, 2020 the Panel issued an Interim Pricing Decision directing the Chicken Board and Commission not to change any aspect of the current pricing structures or exit the price linkage agreement without BCFIRB prior approval.<sup>8</sup>
21. The goals and outcomes of the Pricing Review were identified in the Long-Term Chicken Sector Pricing Review Process Terms of Reference (Terms of Reference) developed by the Chicken Board and Commission in consultation with stakeholders:

### *Goals/Outcomes*

- A long-term pricing approach for regulated products in the mainstream chicken and broiler hatching egg sectors in BC, including a decision on the appropriateness of a price linkage agreement between the two sectors that address the policy objectives of:
  - Verified Cost of Production (COP)/reasonable returns-based pricing mechanisms for BC hatching egg producers and chicken growers.
  - BC chicken processors being competitive in the Canadian market for chicken.
  - BC hatcheries receiving a "reasonable" margin for hatching services.
    - The confirmation of a breeder chick pricing formula.
    - The confirmation of a breeder vaccination program pricing formula for hatcheries.<sup>9</sup>

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<sup>6</sup> 2020 March 17. BCFIRB. "[Price Linkage Supervisory Review.](#)"

<sup>7</sup> After A-160 (November 2019), there was a number of appeals filed by the BCCGA and the PPPABC related to pricing decisions of the Commission and Chicken Board, consideration of which was deferred until after the Pricing Review supervisory process is completed. The status of these appeals will be addressed by BCFIRB following the release of this Pricing Review decision.

<sup>8</sup> 2020 July 3. BCFIRB. [In the Matter of the Natural Products Marketing \(BC\) Act and Interim Pricing in the BC Chicken Sector.](#)

<sup>9</sup> 2020 October 28. Chicken Board and Commission. "[BC Chicken Marketing Board/BC Broiler Hatching Egg Commission Long-term Chicken Sector Pricing Review Process Terms of Reference.](#)"

22. To assist the Chicken Board and Commission with developing and meeting the objectives in the Terms of Reference, BCFIRB retained a liaison to work with the Chicken Board, Commission and stakeholders to facilitate a successful outcome and provide regular reports and advice to the Panel.
23. In the letter dated October 28, 2020 approving the Terms of Reference, the Panel confirmed the process would have two parts:
  - identify and build the components needed to proceed with developing the new pricing strategy; and
  - using these components, develop a long-term pricing strategy that takes into consideration the interests of all stakeholders, is adaptive, resilient and sustainable into the future, and builds on a united vision for the BC chicken industry.<sup>10</sup>
24. In July 2021, PPPABC enquired as to how confidential information would be managed in the Pricing Review. In its response dated July 21, 2021, BCFIRB advised PPPABC to proactively identify any information it believed was confidential or sensitive so BCFIRB could assess the information to determine if non-disclosure is consistent with the proper administration of justice.<sup>11</sup>
25. The Chicken Board and Commission continued their consultations through 2021 which culminated in a January 7, 2022 joint letter to the chicken industry and BCFIRB, enclosing the Chicken Board's draft Pricing Review decision (including reasons for moving to a cost-based approach to live weight pricing in the long term and a proposed interim pricing formula), the Commission's pricing package and an overview of their joint pricing strategy for the BC chicken industry.
26. In their January 14, 2022 response, the Panel advised that the draft Pricing Review Decision failed to fulfill the goals and outcomes in the Terms of Reference given that the Chicken Board was proposing to rely on the existing interim pricing formula for another two years while it undertook its "aspirational concept and potential work plan" for a long-term pricing formula. The Panel made the following direction:

The panel expects the Chicken Board to critically evaluate its long-term pricing formula development process to date and clearly reflect in its final submission how any process deficiencies will be remedied to enable it to reach a long-term pricing formula.

The Panel strongly encourages the Chicken Board, Commission, parties to the Review and all interested stakeholders to use the final Roundtable Meeting constructively to generate ideas and discussions that will benefit the entire value chain. A great deal of time, resources and effort has been put into this Supervisory

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<sup>10</sup> 2022 October 28. BCFIRB. ["Terms of Reference Long Term Chicken Sector Pricing Review."](#)

<sup>11</sup> 2021 July 21. BCFIRB. ["Confidentiality and Competitiveness"](#); 2020 May 22. [Protection of Privacy and Confidentiality in BCFIRB Supervisory Processes and Reviews.](#)

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Review since April 2020, and the Panel sincerely hopes that all parties will work together and find solutions that will be acceptable to the entire value chain.<sup>12</sup>

27. Starting in period A-174 (February 2022) and continuing through the development of the long-term chicken pricing formula, and consistent with BCFIRB's direction in the Interim Pricing Decision<sup>13</sup>, the Chicken Board submitted multiple prior approval requests to BCFIRB to amend the interim pricing formula to maintain orderly marketing and sound marketing policy in the chicken sector. The chronology of the prior approval requests and decisions of the interim price formula can be found in the Panel's supervisory decision of April 3, 2023<sup>14</sup> and will not be repeated here.
28. On March 4, 2022, after completing intensive internal deliberations (separately and jointly), and extensive stakeholder consultation, the Chicken Board and Commission made their final submissions to the Panel. The Commission provided its final long-term pricing recommendations for the hatching egg and hatchery sectors including a cost-based pricing formula. The Chicken Board provided its revised plan to develop a long-term cost-based pricing formula within a year.<sup>15</sup>
29. On June 3, 2022, the Panel approved the implementation of the Commission's long-term pricing recommendations.<sup>16</sup>
30. In its decision dated August 8, 2022, and after meeting with the BCCGA, PPPABC, and the Chicken Board, the Panel issued initial directions to the Chicken Board on its revised plan and confirmed the Terms of Reference goals established in 2020 remained in effect. The Panel acknowledged the ongoing challenges associated with the pricing discussions and encouraged PPPABC and BCCGA to prioritize working with the Chicken Board and to work together for the benefit of the overall sector.<sup>17</sup>
31. In August 2022, the Chicken Board established the Cost Recovery Management Committee (CRMC) which met five times (August 11, 2022 to March 6, 2023).
32. On November 1, 2022, the Panel issued further directions to the Chicken Board as contemplated in its August 8, 2022 decision to address the increasingly adversarial nature of the formula development process. The Panel directed the Chicken Board to in turn direct the CRMC to immediately proceed with developing and providing recommendations to the Chicken Board on definitions and benchmarks for

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<sup>12</sup> 2022 January 14. BCFIRB. ["Long-Term Pricing Supervisory Review – Draft Recommendations."](#)

<sup>13</sup> 2020 July 3. BCFIRB. [In the Matter of the Natural Products Marketing \(BC\) Act and Interim Pricing in the BC Chicken Sector.](#)

<sup>14</sup> 2023 April 3. BCFIRB. [In the Matter of the Natural Products Marketing \(BC\) Act and BC Chicken Marketing Board Interim Pricing Formula Upper Guardrail Trigger.](#)

<sup>15</sup> 2022 March 4. Chicken Board. ["BC Chicken Marketing Board Pricing Review Decision."](#)

<sup>16</sup> 2022 June 3. Commission. ["Broiler Hatching Egg Commission Final Pricing Recommendations"](#).

<sup>17</sup> 2022 August 8. BCFIRB. ["BCFIRB Initial Expectations and Directions – BC Chicken Marketing Board Long-term Formula Development Process."](#)



processor competitiveness and reasonable returns for efficient growers, and provide monthly progress reports to the Panel and stakeholders.

33. In December 2022 and January 2023, the Chicken Board engaged with PPPABC which ultimately led to the development of the Joint Working Group (JWG). The JWG met twelve times (April to October 2023).

### **The Recommendation**

34. On October 30, 2023, the Chicken Board issued its 171-page Long-Term Pricing Decision (Recommendation) to BCFIRB.<sup>18</sup> The submission included a cover letter, executive summary, decision and appendices attaching the line item methodology developed by Serecon Inc. (Serecon)<sup>19</sup>. It also included the third party review of that methodology by MNP LLP (MNP) and the Chicken Board's responses to that review, documents related to development of processor competitiveness benchmarks, and the consultation conducted and feedback received.
35. In brief, the Chicken Board recommends that mainstream chicken be priced using a BC-made COP based live price formula to account for reasonable returns to an efficient grower. The concept of an efficient grower incorporates efficiency factors into the COP-based live price formula related to farm size, bird weight, barn density, feed conversion rate updates, and annual volume adjustments. It encourages efficient chicken production in BC and thereby contributes to processor competitiveness. The Chicken Board proposes that the transition to the new COP formula where chicken growers achieve 100% of the efficiency adjusted COP should take a phased-in approach over six periods (starting in A-190) to ensure all stakeholders have an appropriate period to adjust and to allow for Chicken Board monitoring.<sup>20</sup>
36. Between September and November 2023, BCFIRB received several unsolicited submissions and requests for meetings from various stakeholders on the Recommendation. BCFIRB took the position that it would be premature to entertain such submissions prior to reviewing the Chicken Board's Recommendation and establishing next steps for the Pricing Review.<sup>21</sup>
37. On November 23, 2023, the Panel wrote to industry participants to confirm the process it would follow in evaluating the Recommendation. The letter specifically addressed the issue of the unsolicited submissions predicting negative impacts if the COP formula was approved. After noting that industry associations would have an opportunity to provide submissions which could incorporate the views of

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<sup>18</sup> 2023 October 30. Chicken Board. "[Long-term Pricing Decision](#)"

<sup>19</sup> Serecon is an agricultural valuation and appraisal consultant.

<sup>20</sup> The Chicken Board acknowledged that the commencement of the transition period was dependant upon when BCFIRB issued its approval decision and may need to be further refined.

<sup>21</sup> See emails marked "Staff" on BCFIRB's [Chicken Pricing Web Page](#) between September 22, 2023 and November 20, 2023.



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individual growers, members or processor customers, the Panel directed that all comments or evidence regarding the impact of the Recommendation be provided through those associations. The Panel concluded those associations were in the best position to solicit, evaluate and present that information in a proper context to allow the Panel to evaluate the potential impact of the Recommendation on the business and competitiveness of the BC chicken industry.

38. The Panel established the following process to evaluate the Recommendation:

Phase 1: Panel meeting with the Chicken Board on the Recommendation  
Phase 2: Written Submissions from Participants to the Panel by December 22, 2023  
Phase 3: Chicken Board Reply to Written Submissions by January 12, 2024  
Phase 4: BCFIRB Panel Decision

39. Regarding Phase 2, the Panel directed:

- a. Eligible participants being, the Commission, the BCHEPA, BCEHA, BCCGA, and PPPABC to respond to the following questions on the Recommendation:

All Participants

- i. What, if any, concerns should BCFIRB be aware of with regards to the process followed by the Chicken Board in developing the long-term pricing recommendation?
- ii. Are there any outstanding sound marketing policy concerns with the Chicken Board's long-term pricing recommendation BCFIRB should be aware of? If yes, provide a rationale for those concerns.

PPPABC

- iii. What are the anticipated impacts of the long-term pricing recommendation on processors' gross margins in British Columbia? Any submission needs to be supported with examples of impacts on customers and/or contracts with customers and other verifiable data.
- iv. What are the anticipated impacts of the long-term pricing recommendation on processor competitiveness in British Columbia over the next five years? Any submission needs to be supported with examples of impacts on customers and/or contracts with customers and other verifiable data.

BCCGA

- v. What are the anticipated impacts of the long-term pricing recommendation on producer's gross margins in British Columbia? Any submission needs to be supported with examples and/or verifiable data.

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- vi. What are the anticipated impacts of the long-term pricing recommendation on reasonable returns to growers in British Columbia over the next five years? Any submission needs to be supported with examples and/or verifiable data.<sup>22</sup>
40. On November 28, 2023, the Panel met with the Chicken Board to discuss the Recommendation.
41. On December 5, 2023, the Panel received an enquiry from PPPABC asking how confidential submissions would be addressed. By letter dated December 11, 2023, the Panel established an application process and indicated it would be extending the original submission schedule.
42. On December 15, 2023, PPPABC submitted a non-disclosure application to provide redacted “Customer and Operations Information” to the Panel, which information had not previously been shared with the Chicken Board.
43. On January 18, 2024, the Panel issued its decision, concluding that information available prior to the Recommendation should not be considered in this supervisory process, and information arising since the Recommendation should first be provided to the Chicken Board as first instance regulator to consider its impact on the Recommendation. The Panel directed the Chicken Board and PPPABC to find a mutually agreeable mechanism to confidentially share the information with the Chicken Board.<sup>23</sup>
44. In a supervisory review process management call on January 31, 2024, the Chicken Board and PPPABC communicated their agreement to manage confidential information through mutual undertakings and non-disclosure agreements. Confidential information was shared between PPPABC and the Chicken Board on this basis.
45. On February 14, 2024, the Chicken Board submitted a supplemental submission to BCFIRB confirming that three PPPABC members had submitted confidential information and met separately with the Chicken Board on February 7, 2024. In the Chicken Board’s supplemental submission to BCFIRB, the Chicken Board acknowledged that the three national processors were in a complex, difficult and changing marketplace and appreciated their insights into the challenges. Although the Chicken Board accepted that the new pricing framework may add additional pressure, it found no evidence that existing pressures from ongoing changes in the BC and Canadian chicken marketplace were solely attributable to BC pricing. The Chicken Board concluded that the additional confidential information provided by the processors did not provide a basis for changing the new formula or the plan for its implementation.

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<sup>22</sup> 2023 November 23. BCFIRB. [“BC Chicken Marketing Board Long-Term Chicken Pricing Recommendation – Process.”](#)

<sup>23</sup> 2024 January 18. BCFIRB. [“BC Chicken marketing Board Long-Term Chicken Pricing Recommendation – Non-Disclosure order Application.”](#)

46. The PPPABC did not renew an application to put confidential information directly before the Panel.
47. On March 4, 2024, the Panel resumed Phase 2 of its process, and established new deadlines for submissions. The Phase 2 process, which was originally to conclude on January 12, 2024, concluded March 29, 2024. The Panel requested a supplemental submission from the Chicken Board with updated data for Figure H on page 26 of the Recommendation,<sup>24</sup> and further analysis of BC's competitiveness in the national chicken marketplace. Eligible participants were invited to provide a reply to the supplemental submission in their written submissions.

### Issues

48. Does the Chicken Board's Recommendation accord with sound marketing policy?
49. Has the Chicken Board's Recommendation fulfilled the objective of the Terms of Reference?

### Relevant Statutory Provisions

50. Under section 7.1 of the NPMA, BCFIRB is responsible for the general supervision of all marketing boards and commissions in the province, including the Chicken Board. Section 7.1(2) provides for this supervisory authority to be exercised "at any time, with or without a hearing, and in the manner [BCFIRB] considers appropriate to the circumstances".
51. Under section 9 of the NPMA, BCFIRB has exclusive jurisdiction to inquire into, hear and determine all matters and questions of fact, law and discretion arising or required to be determined by BCFIRB under the NPMA and to inquire into, hear and determine whether a decision, order or determination of a marketing board or commission accords with sound marketing policy. BCFIRB "must be considered to be an expert tribunal in relation to all matters over which it has exclusive jurisdiction": section 58(1) of the *Administrative Tribunals Act*.
52. The Chicken Board has the authority to regulate the price of live chicken under section 4.01(g) of the British Columbia Chicken Marketing Scheme.
53. The Commission has the authority to regulate the price of broiler chicks under section 8.1(a.1) of the British Columbia Broiler Hatching Egg Scheme.

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<sup>24</sup> Figure H is a graph comparing the actual posted BC live price vs the price derived using the new COP based live price formula with the Ontario posted price for periods A-177 through A-184.

## Chicken Board Process

54. BCFIRB expects the commodity boards it supervises, including the Chicken Board, to use SAFETI-based<sup>25</sup> processes in decision making. Throughout this review, BCFIRB has had an ongoing role, issuing supervisory directions as necessary to ensure the Pricing Review met the goals and objectives of the Terms of Reference established in 2020. As indicated above, the Chicken Board ultimately revised its plan to develop a long-term cost-based formula in March 2022. The Chicken Board's revised plan is set out below.

### *Methodology*

- a. The Chicken Board retained Serecon to carry out analyses on key questions using a stratified, structured survey process to develop the COP formula; and
- b. Subsequently, the Chicken Board retained the accounting firm MNP to conduct an independent, third-party review of the COP in consultation with Serecon. MNP's report and Serecon's responses are attached as appendices to the Recommendation.

### *Process and Consultation*

- c. The Chicken Board created the CRMC in August 2022 to obtain feedback and input to guide the development of the COP model and inclusively engage and consult with PPPABC, BCCGA, BCHEPA, and BCEHA throughout the development process:
  - i. The CRMC invited representatives from the Chicken Board, processors, chicken growers, hatching egg producers, hatcheries, and BCFIRB's liaison to sit on the committee;
  - ii. The CRMC conducted five meetings between August 2022 to March 2023, and committee attendance was not inclusive across invited representatives. Processors only attended under protest and/or as observers; and
  - iii. In December 2022, the composition of the Chicken Board changed with two Order in Council appointments, including Kevin Klippenstein, Chair, and Jim Collins, Member. Following the change in Chicken Board composition, and after several meetings between the Chicken Board Chair and PPPABC to encourage increasing

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<sup>25</sup> SAFETI is an acronym BCFIRB established to support principles-based decision making to ensure decisions are Strategic Accountable Fair Effective Transparent and Inclusive.

processor participation and a constructive dialogue, the CRMC was replaced by the JWG in February 2023.

- d. The Chicken Board continued its consultative process on the COP development through the JWG. The JWG was intended to be flexible and responsive to issues as they arose between April and October 2023 as outlined below:
  - i. The JWG included representatives from the Chicken Board (members and Executive Director), Commission, processors, growers, and hatcheries;<sup>26</sup>
  - ii. The Chicken Board worked through the JWG extensively on the development of a verified COP with a reasonable return for efficient growers that includes evidence-based indicators to gauge processor competitiveness; and
  - iii. The JWG conducted twelve meetings between April to October 2023 with improved participation across all representatives. PPPABC representatives attended ten full day JWG meetings between April 18, 2023 until September 19, 2023, when the COP was presented. Although PPPABC walked out of JWG discussions on September 19, 2023, the Chicken Board continued to share documents and have meetings with PPPABC and remained open to discussion and feedback.<sup>27</sup>
- e. In addition to direct input in the COP development from the Commission, PPPABC, BCCGA, BCHEPA, and BCEHA through both the CRMC and JWG, the Chicken Board also conducted broad industry engagement through a virtual industry townhall on September 26, 2023<sup>28</sup> to provide an opportunity for industry stakeholder input by October 11, 2023.
- f. The Chicken Board also obtained feedback from the Pricing and Production Advisory Committee (PPAC)<sup>29</sup> on October 18, 2023.

## Analysis

55. As confirmed in the Terms of Reference, the objective of the Pricing Review was to:

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<sup>26</sup> 2023 October 30. Chicken Board. [“Long-term Pricing Decision”](#) p 29.

<sup>27</sup> 2023 October 30. Chicken Board. [“Long-term Pricing Decision”](#) p 37.

<sup>28</sup> PPPABC declined to participate in the townhall meeting.

<sup>29</sup> Section 3.20(1) of the British Columbia Chicken Marketing Scheme provides that the PPAC is comprised of 3 growers appointed by the BCCGA, 3 processors appointed by PPPABC, and further persons appointed by the Chicken Board. Its role is to advise the Chicken Board concerning any matters relating to pricing or production.

- a. Establish a verified COP/and reasonable returns-based pricing mechanism for chicken growers, that supports BC chicken processors being competitive in the Canadian market for chicken, as well as provides BC hatcheries with a reasonable margin for hatching services.
56. Throughout the Pricing Review, beginning in April 2020, the Panel has reviewed thousands of pages of submissions from the Chicken Board, process participants, and other parties. In addition, the Chicken Board organized, led and reported on a considerable number of meetings (as a board, through its committees, an industry townhall, and with PPAC) to inform the development of its Recommendation. The Panel acknowledges and appreciates the time commitment and resources the Chicken Board and process participants devoted to the Review process leading to the Recommendation.
  57. The Panel now must determine whether the Recommendation meets the Terms of Reference goals and objectives, and if the proposed COP formula accords with sound marketing policy for the BC chicken sector in the public interest.
  58. The Chicken Board recommends the pricing formula for mainstream chicken in BC be set using a BC-made COP based live price formula to provide a reasonable return to an 'efficient grower', where an efficient grower is defined by efficiency factors which include farm size, bird weight, barn density, feed conversion rate, and annual production volume. The Chicken Board also recommends that due to the lack of transparent and verifiable data to develop a measure for processor competitiveness, processor competitiveness should be defined by these grower efficiencies.

*Processor Competitiveness and Reasonable Returns to Growers*

59. The Chicken Board explored many different models for processor competitiveness at the CRMC and JWG, but it remained a contentious issue amongst stakeholders. The Chicken Board attempted to reach consensus and gather transparent and verifiable information to directly measure processor competitiveness, but this proved impossible. Processors maintained their position throughout the process that they are private businesses and would not disclose financial information.<sup>30</sup>
60. Given the lack of transparent and verifiable data to measure processor competitiveness, the Chicken Board has recommended defining processor competitiveness through the concept of grower efficiency. The rationale being that grower efficiency is measurable and processor competitiveness currently is not. The Chicken Board maintains that the lower the live price of chicken, the more competitive processors will be. As such, the Chicken Board says its efficiency factors provide a balance to maintain BC processor competitiveness in the Canadian market.

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<sup>30</sup> 2023 October 30. Chicken Board. ["Long-term Pricing Decision"](#) p 4.



61. In its March 18, 2024 submission, PPPABC argues that the Chicken Board has failed to define processor competitiveness in accordance with the Terms of Reference, and that it would not be sound marketing policy for BCFIRB to accept the Recommendation on this basis. In addition, PPPABC says the Recommendation fails to acknowledge the historical understanding that stakeholders in BC's high-cost operating environment must share the cost burden to maintain a viable industry. Implementing the Recommendation poses significant risk to processor competitiveness in BC and will result in a reduction in market development allocation, jobs, and limited capital spending. The use of an efficient grower measure will lead to increased pressure on downstream customers, including the Canadian Poultry and Egg Processors, Restaurants Canada, the Canadian Federation of Independent Grocers, BC Food and Beverage, and independent restaurant franchisees.<sup>31</sup>
62. While the Chicken Board acknowledges this argument, it observes in its March 29, 2024 closing submission that PPPABC did not provide any transparent or verifiable evidence to demonstrate the proposed impacts of the COP formula on them or on other industry stakeholders. Further, it has no regulatory jurisdiction beyond the farm gate price of live chicken, and without defensible information, as a regulator it cannot justify changes to the Recommendation.<sup>32</sup>
63. The Panel acknowledges the concerns expressed by PPPABC about the definition of processor competitiveness in the Recommendation. However, since the 2010 supervisory decision, parties have acknowledged the need for a transparent pricing model that balances reasonable returns to growers and processor competitiveness.<sup>33</sup> In their March 18, 2024, submission, PPPABC argues the Panel should not approve the Recommendation as it is incomplete and poses significant risk to their businesses and competitiveness. However, the Chicken Board has presented what it sees as a transparent, verifiable, and measurable metric for processor competitiveness.
64. Further, the Panel observes that PPPABC was given ample opportunity throughout this lengthy review process to provide transparent and verifiable data as a measure of processor competitiveness, and it did not do so. PPPABC's request to defer the implementation of a new pricing formula to allow it to engage in further process, after failing to take advantage of the opportunities already provided, rings hollow and appears to be an attempt to delay the implementation of a new formula that reflects the cost of production in BC and preserve the status quo of the interim formula.
65. It is also worth noting that confidentiality and disclosure of commercially sensitive information was addressed in the Terms of Reference and correspondence from

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<sup>31</sup> 2024 March 18. PPPABC. "[Submission on Recommendation.](#)"

<sup>32</sup> 2024 March 29. Chicken Board. "[Response to Stakeholders](#)" p 2.

<sup>33</sup> 2010 June 9. BCFIRB "[In the Matter of the Natural Products Marketing \(BC\) ACT and a Supervisory Review of the BC Chicken Marketing Board Pricing-Related Recommendations](#)".

this Panel, and was an ongoing theme throughout the review process. When a confidentiality agreement was eventually reached between the Chicken Board and PPPABC, the Chicken Board found that no verifiable data or information of sufficient significance was provided to warrant changing their Recommendation. As noted above, despite the position taken by the Chicken Board, PPPABC did not subsequently bring an application to tender any confidential information directly to the Panel.

66. Accordingly, the Panel must now consider whether the use of the efficient grower is an appropriate, transparent, verifiable, and measurable metric for processor competitiveness.
67. The Chicken Board explains that the new COP formula, which provides a reasonable return to an efficient grower and promotes processor competitiveness, may not be the solution for all BC growers' concerns, as it does not guarantee all farms a return on their individual cost of production.
68. The BCCGA refers to the use of efficiency metrics as a "competitiveness tax" on BC growers which will result in more than half of growers not receiving COP. The metrics of the efficient grower move the price set by the COP lower, creating a large gap between the median grower and the efficient grower (the average grower). The BCCGA agrees that regular updates to the adjustments of categories, barn densities, and feed conversion ratio will promote cost recovery, which in turn support farm upgrades and investment, improved animal welfare, and potential business expansion. As for burden sharing, the BCCGA says it is evident from Serecon's analysis that processors have been buying discounted chicken from growers for years, which has allowed them to purchase a significant portion of BC broiler quota, expand their farms and plants, and move into other provinces.<sup>34</sup>
69. The Panel sees the use of an efficient grower as a lean and dynamic model, responsive to market fluctuations, and includes producer efficiency as part of the equation. This dynamic nature can be seen by comparing the current Ontario formula with the proposed BC formula, minus the cost of feed, where the use of efficient grower factors result in a lower BC price. Likewise, if the cost of feed in BC were to go down, the proposed BC formula results in a lower price which would also in turn promote processor competitiveness.
70. As to the quality of the data used, PPPABC argues in its March 18, 2024 submission that data selected for efficient grower inputs into the COP favours growers and includes biased, inaccurate, and predetermined information. Particularly, it says the labour and working capital costs in the COP overstate grower costs, and that the feed conversion ratio is outdated. Further, the failure to acknowledge the anticipated increase to the hatchery margin results in an understatement of the differential with Ontario.

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<sup>34</sup> 2024 March 15. BCCGA. ["Submission on Recommendation"](#).

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71. The Chicken Board, in its March 29, 2024 closing submission, states that it disagrees that the COP overstates grower costs, pointing out that all numbers included in the COP were verified by Serecon and reviewed again by MNP. The numbers were brought forward to the JWG, where they were also reviewed and discussed by participants and any concerns were addressed. The Chicken Board highlights that the labour rates included in the COP are below industry standards when compared with Ontario formula inputs, and while the feed conversion rate is from 2021, there is a plan to update the rate in early 2025 if the COP formula is implemented.
72. The Panel is satisfied that the data determined through the Chicken Board's COP development process, which included review by both Serecon and MNP, as well as CRMC and JWG consultation, is transparent and verifiable. PPPABC's criticisms, which are not supported by verifiable data, about numbers being overstated or outdated are insufficient to rebut the validity and defensibility of the Chicken Board's approach or warrant further delay in implementation. Further, and understanding that processors own a significant portion of broiler quota in BC, the Panel finds that PPPABC had ample opportunities to provide their own verifiable grower data and analysis to support their view that numbers were in fact overstated.
73. The Panel acknowledges that the price of feed in BC has been a primary driver of the current price differential between the BC and Ontario posted live price, resulting in increased industry tension and many BC growers not receiving cost of production through the interim pricing formula for some time.
74. By the Panel's calculations, if the Recommendation was implemented in A-184, the proposed COP would increase the posted price by approximately \$0.18/kg which is a considerable increase in the differential with the Ontario live price for that period.<sup>35</sup> However, and as observed by the Chicken Board in its Recommendation, this increase results in a differential comparable to that seen in other supply managed commodities in BC, such as turkey and eggs and would appear to reflect the reality of BC as a high cost of production province.<sup>36</sup>
75. The Panel recognizes the hardships imposed on all parties by the feed cost differential and appreciates the Chicken Board's attempt to balance the interests of all stakeholders in the COP and share the burden associated with BC's high-cost operating environment. The Panel finds that the inclusion of grower efficiencies is a reasonable attempt to share the burden of the feed price differential, balances stakeholders' interests, and is a verifiable, transparent model that is responsive and fair.
76. Overall, the Panel concludes that the Chicken Board has met the Terms of Reference requirement to identify a verified COP for reasonable returns to

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<sup>35</sup> 2023 October 30. Chicken Board. "[Long-term Pricing Decision](#)" p 25.

<sup>36</sup> 2023 October 30. Chicken Board. "[Long-term Pricing Decision](#)" p 28.

growers, that balances processor competitiveness, by using an efficient grower in the cost of production formula.

### *Hatchery Margin & Chick Costs*

77. A goal of the Terms of Reference was that BC hatcheries receive a “reasonable” margin for hatching services. The Commission has legislated authority under section 8.1(a.1) of the British Columbia Broiler Hatching Egg Scheme to regulate the price of broiler chicks in BC.<sup>37</sup> The Recommendation includes an input for the price of broiler chicks.
78. The Commission’s March 4, 2022 submission to BCFIRB on its long-term pricing recommendation confirmed that a hatchery margin increase had been agreed to, and the BCEHA had plans to build a cost-based hatchery pricing model by 2023 based on reasonable returns. The Commission was committed to supporting the BCEHA in its work. On June 3, 2022, BCFIRB approved the Commission’s long-term pricing recommendation and found that the development of a cost-based pricing formula for broiler chicks to be effective and strategic.<sup>38</sup>
79. In its March 18, 2024 submission, the BCEHA argues that the Panel should not approve the Recommendation because the Terms of Reference goal of ensuring BC hatcheries are receiving a ‘reasonable’ margin for hatching services has not been achieved. It says it is not sound marketing policy to approve the Recommendation without understanding the collective impact on the industry, which cannot be determined until reasonable hatchery margins are established.<sup>39</sup>
80. In its March 18, 2024 submission, PPPABC takes issue with the Chicken Board seeking approval of the Recommendation before the BC hatchery margin issue has been addressed. An increase in hatchery margin will materially increase the BC live price and the differential with Ontario beyond levels projected in the Recommendation, and will thus distort the overall industry impact. The combined impact of these different price schemes needs to be fully quantified before making any determination on whether BC processors remain competitive in the national marketplace. PPPABC says the industry would be better served by maintaining the current Interim Pricing Formula through 2024 and working towards an A-194 implementation.<sup>40</sup>
81. In its March 29, 2024 closing submission, the Chicken Board agrees with the development of an efficient and transparent hatchery COP formula. However, the

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<sup>37</sup> Hatching egg producers care for laying hens that lay hatching eggs. These hatching eggs are then sold to a hatchery where they hatch into broiler chicks (saleable broiler chicks), which are then bought by chicken growers for production.

<sup>38</sup> 2022 March 4. Commission. [“Hatching Egg Sector Proposed COP-Based Pricing Package Final: Chicken Sector Pricing Supervisory Review.”](#)

<sup>39</sup> 2024 March 18. BCEHA. [“Submission on Recommendation”](#)

<sup>40</sup> 2024 March 18. PPPABC. [“Submission on Recommendation”](#)

Chicken Board states twenty-one months have passed since BCFIRB approved the BCEHA-supported proposal that a hatchery COP be developed to ensure BC hatcheries receive the “reasonable margin for hatching services” they continue to seek. The Chicken Board agrees that a new hatchery COP could have an impact on BC pricing and the overall competitiveness of any parent corporate processor, but the BCEHA has not tabled any proposal, much less a transparent, substantiated, and defensible COP as has been developed for hatching egg producers and chicken growers. If a hatchery COP formula is completed in the near future, the Chicken Board agrees it could be considered as part of the proposed 2025 COP update.

82. The Chicken Board also references a March 25, 2024 letter from the Commission to the Chicken Board outlining the Commission’s efforts, since 2022, to work with the BCEHA to develop a cost of production formula. As of October 26, 2023, the Commission had only received verbal updates that the process is underway, but it continues to be prepared to engage with the hatcheries on a COP formula.
83. In June 2022, the Panel approved the Commission’s long-term pricing recommendation even though the Chicken Board had failed to present its long-term pricing recommendation at the same time as contemplated in the Terms of Reference. The Panel stated at paragraph 49:

While the Panel also agrees with PPPABC that the intent of the Pricing Review was to achieve final concurrent long-term pricing recommendations from both Boards, that is not the situation BCFIRB and the Boards find themselves in today. Despite two years of work, the Chicken Board is simply not in a position to make a recommendation. As such, BCFIRB, the two regulators and stakeholders must look at the current circumstances and decide what is the best decision now to promote industry stability and success going forward.<sup>41</sup>

84. The Panel finds itself in a similar position here. While the Panel recognizes the importance of finalizing long-term pricing throughout the chicken production supply chain, it does not benefit the sector, nor would it be sound marketing policy, to delay the implementation of the Recommendation to some unknown future date based on the BCEHA’s failure to develop a COP formula or articulate a clear plan for when it will do so.
85. The Panel also recognizes that after feed, chicks are one of the highest input costs for chicken growers, which emphasizes the need for a hatchery COP formula that is verifiable and responsive. The Panel encourages the Commission, as the regulator responsible for setting the price of hatched chicks in BC, to continue to work with the BCEHA to develop a COP formula in a timely manner.

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<sup>41</sup> 2022 June 3. Commission. [“Broiler Hatching Egg Commission Final Pricing Recommendations”](#).

*Price Linkage*

86. Since June 2022, when BCFIRB approved the Commission's long-term formula, the linkage agreement has remained inoperative/inactive, as hatching egg producers have transitioned to receiving cost of production. The Chicken Board's move to a transparent and verifiable COP formula, further removes the need for a linkage agreement.

*Implementation Timeline & Cost of Production Formula Updates*

87. At the time of its Recommendation (A-186), the Chicken Board contemplated a transition period whereby the COP formula would be phased in over six allocation periods with 100% implementation by A-192. In its reply submission, the Chicken Board now suggests, given the time required by BCFIRB to evaluate the Recommendation, that the phase-in period be reduced from six periods in order to still meet 100% implementation by A-192.
88. In its March 18, 2024 submission, PPPABC argues that the current interim formula should be maintained through 2024, while industry works towards an A-194 implementation, to allow for additional consultation and changes to the Recommendation to align with the Ontario formula.
89. Having concluded that the Recommendation has met the objectives of the Terms of Reference to identify a verified COP for reasonable returns to growers and balancing processor competitiveness, the Panel rejects PPPABC's argument that implementation of the COP should be delayed. As identified above, the Chicken Board consulted on the development of the COP through the CRMC and JWG, and a virtual industry townhall. It has now been four years since the start of this Pricing Review, during which time chicken growers have received a live price for chicken as established by the interim pricing formula (as amended from time to time). The interim formula was intended to be a temporary measure and does not currently reflect the actual cost of production, and as such it does not accord with sound marketing policy to continue its use indefinitely. Moving forward with implementation of a pricing approach that reflects production costs in BC, as directed by the Panel in the Terms of Reference, is crucial to creating industry stability in the province. Further delay would be unreasonable and is not in the best interests of the industry.
90. As demonstrated by the effectiveness of the gradual implementation of the Commission's long-term pricing formula, the Panel is of the view that a phased in implementation approach is in the best interest of all stakeholders. An appropriate adjustment period and transition will allow the Chicken Board to monitor the impacts of its new COP formula and resolve issues if and when they arise.
91. However, the Panel does not agree with the Chicken Board's proposed condensed phase-in of 100% COP by A-192 (essentially a three-period phase in) to account for the time that has passed since the Chicken Board made its Recommendation



in October 2023. The Panel's view remains that it is both strategic and effective to provide a six-allocation period phase-in of the COP, as originally recommended by the Chicken Board, to ensure industry stability and to give stakeholders time to adjust to the new pricing formula.

92. The Chicken Board indicates it initially intends to do survey updates for the COP formula inputs every three years and then move to every five years to align with the Commission's COP formula updates. The Chicken Board will start with an update in 2025 using data from 2024, and continue to update the following COP inputs every allocation period: chick cost, feed price, utilities, fuel and oil, repairs and maintenance, bedding, insurance, depreciation of equipment, taxes, depreciation and investment of barns, investment cost for land, labour, administrative and office costs, and operating interest costs. The Chicken Board will update the feed conversion rate annually.
93. The Panel agrees that the updates proposed by the Chicken Board to the COP formula are extensive and sufficient. These updates and adjustments enhance the accuracy, flexibility, and ability of the formula to adapt to changing costs.<sup>42</sup> This approach accords with sound marketing policy by having a dynamic model that is transparent and fair.

## Decision

94. The Chicken Board has engaged in an intense process involving very difficult discussions about highly contentious issues. Ongoing engagement on the wide range of pricing and other issues will be critical to success of the BC chicken industry. The Panel is satisfied the Chicken Board has carried out a SAFETI-based, analytical and consultative process with stakeholders that was both inclusive, in that it provided many opportunities for feedback, whether or not those opportunities were taken full advantage of, and procedurally fair. Stakeholders' input and concerns were received directly and through comprehensive roundtable processes and various committees, all of which were considered and responded to by the Chicken Board.
95. Further, the Panel's Phase 2 and 3 submission process provided an additional opportunity for industry stakeholders to identify any sound marketing policy concerns and/or anticipated impacts of the long-term pricing recommendation.
96. The Chicken Board has, in a strategic and accountable manner, balanced significant competing interests with the best verifiable information currently available to recommend a COP formula that meets the goals and objectives of the Terms of Reference.
97. The Chicken Board's COP formula is based on structured producer surveys and third-party verification and uses transparent and verifiable mechanisms to provide

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<sup>42</sup> 2023 October 30. Chicken Board. ["Long-term Pricing Decision"](#) Appendix A.

a reasonable return to chicken growers, while accounting for processor competitiveness.

98. The Panel is of the view that the recommended COP formula has incorporated methodological assumptions that favour processor competitiveness. This includes efficient grower inputs such as, bird size, barn density, building and labour costs, all of which will require additional analysis in subsequent COP surveys.
99. Given that chick costs are one of the highest costs of producing chicken, the Panel finds that it is essential that a verifiable and responsive hatchery COP formula be developed. The Panel encourages the Commission, as the responsible regulator, to continue to work with the BCEHA to develop a transparent, verifiable, and data-based COP formula in a timely manner.
100. The Panel finds the Chicken Board's Recommendation accords with sound marketing policy.
101. The Panel supports the Chicken Board's commitment to considering future transparent and verifiable data adjustments to the COP formula.
102. The Panel finds that it is not consistent with sound marketing policy to delay implementation of the Recommendation to some future uncertain date to allow the BCEHA to finalize their COP formula, given its failure to develop a COP formula to date or articulate a clear plan for when it will do so.
103. The Panel finds that gradual implementation of the Recommendation over six allocation periods benefits all stakeholders, as it allows for the necessary time to address emerging issues and provides stakeholders an opportunity to adapt. The Panel is directing the Chicken Board to proceed with a six-allocation period phase in of its implementation of the Recommendation, commencing in A-190.

## **Order**

104. BCFIRB accordingly directs the Chicken Board to implement its long-term pricing Recommendation on the following conditions:
  - a. The Chicken Board implements its October 20, 2023 Recommendation through the phased-in process identified in the Recommendation<sup>43</sup> over six-periods beginning in A-190<sup>44</sup> and ending in A-195.
  - b. The Chicken Board provides an implementation progress report to BCFIRB for each period of the phased in pricing implementation, with a final implementation report being provided by June 30, 2025.

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<sup>43</sup> 2023 October 30. Chicken Board. "[Long-term Pricing Decision](#)" p 19.

<sup>44</sup> A-190 begins on June 30, 2024.

105. BCFIRB further directs the Chicken Board to:

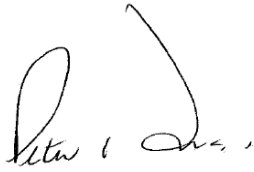
- a. Monitor Recommendation implementation impacts on chicken growers and processors on an on-going basis, and in collaboration with the Commission, the implementation impacts on hatching egg producers and hatcheries.
- b. Collaborate with the Commission as necessary to ensure any significant implementation impacts, that are identified through a transparent process and supported with verifiable data, are duly considered and mitigated as appropriate.

### **Closing Comments**

106. Given the impact of the feed conversion rate on the chicken live price, the Panel highlights the importance of this input in the COP, as well as the importance of keeping this information as current as possible. As such, the Panel encourages the Chicken Board to consider directing growers to provide feed conversion rate data to the Chicken Board on a cyclical basis to further increase the COP's responsiveness to cost variation. The Panel also encourages the Chicken Board to ensure the methodology used to measure feed conversion rate is consistent and transparent prior to the collection of this data.
107. At the start of the Pricing Review, the Panel stated that pricing uncertainty for an indefinite period is not sound marketing policy, nor is it sustainable. In implementing a COP approach, the Chicken Board has taken an important step towards ensuring an accountable and stable pricing model for the chicken production supply chain in BC. The Panel encourages parties throughout the broader chicken supply chain, including hatcheries, broiler hatching egg producers, chicken growers, and processors, to collaborate in a transparent and verifiable manner on pricing to address the many challenges which presently impact industry stability.
108. Throughout this process, the Panel has found itself reflecting upon the origins of supply management, and the federal and provincial legislation that upholds this system. The increasingly national marketplace for chicken in Canada, with processors and retailers operating across the country, has led to increased tensions between industry participants and across provincial boundaries. Given this, the Panel agrees with the Chicken Board that it is imperative that a national approach to transparent chicken pricing be considered and collaboratively developed. The Panel is of the view that this would support sound marketing policy in the public interest in this province and across the country.

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Dated at Victoria, British Columbia, this 22<sup>nd</sup> day of May 2024.



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Peter Donkers  
**Panel Chair**



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Al Sakalauskas  
**Presiding Member**