

Right Honourable Justin Trudeau
Prime Minister of Canada
House of Commons
Ottawa, ON K1A 0A6

September 27, 2022

Dear Prime Minister Trudeau,

On behalf of members of the Canadian agri-food sector, we are writing to express our support for Bill C-280, the *Financial Protection for Fresh Fruit and Vegetable Farmers Act*, which is anticipated to be scheduled for its first hour of debate at second reading later this fall. We hope that we can count on your support to move this important piece of legislation forward.

Growing, harvesting, packing and marketing fruits and vegetables comes with many risks. Overhead and capital costs continue to rise, while returns are delayed until payment is collected down the supply chain – usually long after the perishable product has been purchased and consumed.

The impacts of the COVID-19 pandemic, a changing climate and ongoing supply chain disruptions further threaten our food security and the long-term economic viability of the fresh produce sector. Unfortunately, the *Bankruptcy and Insolvency Act* does not provide workable protection for fresh produce sellers in Canada due to the high perishability of our products and the industry's longer payment terms.

To make matters worse, the lack of a financial protection mechanism for fresh produce sellers in Canada means that Canadian sellers remain unable to utilize the preferential treatment they previously enjoyed under the United States *Perishable Agricultural Commodities Act (PACA)*. Instead, Canadians selling fresh produce to our biggest trading partner must pay double the bond on the shipment to access the PACA dispute resolution mechanism – a cost that is simply untenable for many Canadian businesses.

Bill C-280 would establish a critical financial protection mechanism for fresh produce sellers in Canada to help secure payment in the case of a buyer bankruptcy, in the form of a deemed trust that would operate similarly to the successful PACA model in the U.S. Creating a deemed trust would not impose any additional cost to government, but would help to ensure that fresh produce sellers can continue to support local economies across the country and to provide Canadians with our safe, nutritious fruit and vegetable products.

Having a financial protection tool in place in Canada would also pave the way for the United States Department of Agriculture to restore preferential access for Canadian produce sellers to the U.S. dispute resolution mechanism for fresh fruit and vegetables without posting costly double bonds to initiate a complaint.

It is important to recognize that the implementation of a financial protection mechanism for fresh produce sellers is not strictly an issue for rural or traditional farming communities. Businesses selling fresh produce also operate in urban and suburban communities, and all communities that rely on fresh produce are left vulnerable to food insecurity if sellers cannot remain financially viable.

Our members across the country are strong supporters of Bill C-280 and look forward to this bill being passed at second reading and moved on to committee stage for further discussions, debate and analysis.

Sincerely,

