



July 15, 2014

Paul Halucha  
Director-General  
Marketplace Framework Policy Branch  
Industry Canada  
215 Queen Street, 10<sup>th</sup> Floor, East Tower  
Ottawa, Ontario K1A 0H5  
Insolvency-insolveabilite@ic.gc.ca

**Re: Proposed Amendments to Canada's Bankruptcy and Insolvency Act (BIA)  
Trust Protection and Extend Financial protections to Frozen Produce**

Dear Director- General Halucha:

Cavendish Farms Corporation, a New Brunswick, Canada corporation is a member of the Frozen Potato Product Institute (FPPI) and the American Frozen Food Institute (AFFI) in the USA and we would recommend that Canada:

1. create a trust for fruit and vegetable suppliers
2. follow the USA statutory definition of "perishable agricultural commodities": "fresh fruits and fresh vegetables of every kind and character," "whether or not frozen or packed in ice." 7 U.S.C. §499a(b)(4)(A).

We have been able to take advantage of the Perishable Agricultural Commodities Act (PACA) legislation in the US on many occasions and would like to see comparable coverage in Canada and also not lose the protection we currently enjoy in the US.

We fully endorse the initiatives FPPI and the AFFI have proposed concerning aligning comparable approaches by the Canada-US Regulatory Cooperation Council (RCC) to protect fruit and vegetable sellers from buyers that default on their payments. We would ask that the Canadian government adopt the recommended changes.

Regards,

David Bates CCP  
Vice President Credit

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