

Licensing, Food Safety Standards and Reporting Requirements for the Seafood Industry in British Columbia: Consultation Paper

Date: August 26, 2015

1. Purpose

The purpose of this consultation is to invite your input into the development of a fish and seafood licensing and regulatory program under the Ministry of Agriculture's new *Fish and Seafood Act*. A series of questions has been developed to help guide your response.

The focus of this consultation is the trade and processing of commercially-caught and recreationally-caught fish. This includes those in the seafood industry that are currently regulated under BC's *Fisheries Act* and *Fish Inspection Act*, and who produce or distribute fish and seafood for human consumption.

The regulation of all fisheries, including First Nations fisheries and recreational fisheries, are not within the scope of this consultation as they are the exclusive responsibility of the Government of Canada. Please note that the regulation of marine finfish and shellfish aquaculture also are the responsibility of the Government of Canada and therefore not part of this consultation.

2. Objectives

The Ministry of Agriculture has committed to work with the seafood sector and related partner agencies (e.g. CFIA, DFO) through this process. Stakeholder feedback will guide discussion on potential changes, the impacts that these changes might have on those persons affected and opportunities for the Ministry to work with industry to facilitate a transition to new requirements.

The primary objectives include:

- A review of licensing requirements for buying, handling, transporting, processing and selling fish, and for harvesting and processing aquatic plants, with the goal of reducing the regulatory burden by eliminating unnecessary licences.
- Improving food safety standards for the fish and seafood sector by bringing all operations into alignment with federally registered fish and seafood processing establishments and other food commodity sectors in British Columbia. This will protect public health by comprehensively and consistently managing the risks of foodborne illness across all food production.
- Continuing the collection of important economic data while streamlining reporting requirements and eliminating duplication where possible.

3. Providing Feedback

A list of consultation questions are provided on page 12 of this document based on the proposed fish and seafood food safety, licensing and regulatory changes. The consultation questions are intended as a guide to assist you in providing comments. Additional comments are also welcome. Your feedback will assist the Ministry to understand your perspective and develop an informed implementation strategy.

Your response can be sent via a dedicated Ministry email address:

BCSeafood.Consultation@gov.bc.ca

Or regular mail addressed to:

Ministry of Agriculture
Attention: Charlie Twaddle
PO Box 9120 STN PROV GOVT
Victoria BC V8W 9B4

Feedback must be provided no later September 30, 2015.

Submissions will be treated with confidentiality by government staff. However, comments and information that identify you as the source of those comments may be publicly disclosed if a Freedom of Information (FOI) request is made under the *Freedom of Information and Protection of Privacy Act*.

If you have any questions or to request further information, please contact Charlie Twaddle at 250-356-1809.

Thank you for your time in providing us with your valuable input on the development of fish and seafood policy reform for British Columbia.

4. Background

British Columbia's seafood sector, with a wholesale value of \$1.4 billion, is a significant contributor to the provincial economy. It is made up of diverse industries including commercial fisheries; First Nations fisheries; marine and freshwater finfish, shellfish and aquatic plant aquaculture; and the processing, buying, and selling of seafood.

The following links provide additional background:

- Current seafood licensing requirements: <http://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/fisheries-and-aquaculture/seafood-industry-licensing>
- The new *Fish and Seafood Act*: https://www.leg.bc.ca/40th4th/1st_read/gov21-1.htm
- Aquatic Plant Harvesting: <http://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/fisheries-and-aquaculture/aquatic-plant-harvesting>
- Seafood Industry in Review: <http://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/about-agriculture-and-seafood-in-bc/statistics/industry-and-sector-profiles>

To ensure that British Columbia supports a strong, dynamic fish and seafood sector that continues to contribute to the economy, protects public health and advances consumer confidence, in 2012 the Ministry of Agriculture consulted with stakeholders and the public regarding provincial fish and seafood policy.

a) What we heard

The consultation included discussions with federal and provincial agencies, as well as a public web-based consultation where representatives from 57 organizations provided input. This included First Nations, fishers, seafood sector stakeholders (e.g. industry associations) and local government representatives. The following general themes emerged:

- Licensing should be rationalized and fees adjusted to reflect program costs.
- The food safety and regulatory environment require sufficient flexibility to promote an outcome-based approach resulting in equivalent standards between provincial and federal processing plants, and accommodation of ongoing technological changes.
- Industry values data, but its collection must be accurate, comprehensive and streamlined to eliminate duplication and make dissemination more timely and efficient.
- Industry sees value in traceability systems.
- Industry supports penalty increases to reflect the relative risk and impact of the infraction.

b) How Government responded

In April 2015, the British Columbia government introduced a new *Fish and Seafood Act* to replace the *Fisheries Act* and the *Fish Inspection Act*. This new Act has a stronger focus on public health and safety, a modern framework focusing on outcome-based results and flexibility to assist adoption of new processing technologies. All of this work continues to build on British Columbia's local and international reputation as a source of sustainable and trusted seafood products.

The new legislation includes the following measures to support sustainability and enhance consumer confidence in the safety of British Columbia seafood:

- Enables the creation of a traceability system that will ensure fish and seafood processed in British Columbia can be followed from point of landing to finished product.
- Prohibiting the possession and distribution of illegally caught, cultured, harvested or processed fish or seafood.
- Enhanced inspection and enforcement tools provide authority for inspectors to issue orders for persons to undertake corrective actions or to refrain from an activity. This includes orders for the destruction of contaminated food, recall orders if unsafe fish or seafood has been distributed and other actions to protect public health and safety.
- Ensuring administrative fairness by providing opportunities for operators to have licensing decisions reconsidered and reviewed and for persons to request reconsideration or review of orders.
- Requiring operators to record all transactions including, for example, information such as fish and seafood species, size, weight and source to support future traceability requirement.
- Requiring operators to ensure staff are properly trained to ensure safe food handling and preparation.
- Modernizing outdated inspection powers.
- Increased penalties for offences, reaching a maximum of \$50,000 a day for individuals and \$200,000 a day for corporations.
- Enabling administrative penalties which do not involve a court prosecution.

5. Proposed Fish and Seafood Licensing and Regulatory Program Changes

a) Licensing

The existing licensing system regulates the buying, selling, distributing and processing of fish and aquatic plants within the province. It is the intent of government to reduce regulatory burden, where possible, by thoroughly reviewing the reasons for licensing each type of operation. In some cases, licences will no longer be required for certain activities, such as operations processing fish for non-human consumption. See section 6 for a description of proposed licensing under the new *Fish and Seafood Act* that describes the licence, who requires it, the exemptions and any new requirements.

Licence fees and royalties will remain unchanged at this time but will be reviewed at a later date.

b) Food safety standards for processing, handling and transporting fish

The purpose of the new fish and seafood safety standards is to promote the production of wholesome seafood through a modern, effective and efficient regulatory framework that protects human health. The regulatory framework will cover all activities associated with processing, transporting, handling and selling of fish or aquatic plants. The new regulations will update basic operational and construction standards that all facilities must meet.

In terms of fish and seafood processing requirements in particular, regulations will allow for flexibility in meeting prescribed outcomes, and will allow for the use of new technologies (e.g. modified atmospheric packaging) in response to market shifts away from traditional processing methods (e.g. drying, salting) to contemporary methods.

The responsibility for safe food rests with industry participants who, in the future, may need to develop food safety plans based on the Hazard Analysis Critical Control Point (HACCP) system. The HACCP system controls or eliminates hazards that cause foodborne disease outbreaks by identifying critical operations and providing methods for monitoring and controlling them. The final outcome is the highest assurance of food safety. The following seven principles outline the basics of a HACCP program:

1. Identify potential food safety hazards.
2. Determine Critical Control Points or CCPs (where and when hazards need to be controlled).
3. Establish critical limits for each CCP that will control potential problems.
4. Implement procedures to monitor CCPs and record data.
5. Identify corrective action to be taken when process controls are lost.
6. Establish record keeping systems to document the HACCP plan.
7. Verify that the HACCP program is working.

Because there is no set formula for developing a HACCP system, each operator must examine their facility and develop a HACCP system which best suits it. Generally, HACCP plans address food safety risks related to facility maintenance, employee hygiene, sanitation procedures, product flow, food handling (including time and temperature controls), record-keeping and recall procedures. Some operations will also require information on recipe formulation, if they are processing ready-to-eat products or making products with a number of ingredients.

The Ministry understands that some operators may not have experience with the development of HACCP-based food safety plans and may require assistance to develop these plans for their operations. To help with the successful implementation of these changes, it is necessary to understand your state of readiness. As part of this consultation, the Ministry is interested in better understanding industry's readiness for adoption of HACCP-based food safety plans.

c) Economic data and statistical reports

The collection of timely, relevant, accurate and comprehensive economic data is important to the Ministry and the seafood sector it supports. The resultant analysis and reporting ensures that the economic contribution of British Columbia's seafood sector is accurately reported and represented in national and international arenas and is used to support policy and programming decisions. The submission of statistical reporting of volumes, species, products and wholesale value of fish and seafood processed or sold by buyers, vendors and processors will continue to be required.

6. Proposed Licence Types

Please review pages 6 to 11 for the proposed licence types for changes that might affect you or your organization and provide your feedback to proposed fish and seafood licensing and regulatory program changes. The consultation questions on page 12 are intended as a guide to assist you in providing comments on proposed changes. Additional comments are also welcome.

Proposal: Seafood Processing Licence

What licence will this replace and who requires it? This licence replaces the Fish and Aquatic Plant Processing Licence and is required for a person to operate a fish or aquatic plant processing facility, including cold storage facilities not regulated under the Food Premises Regulation, in British Columbia or its coastal waters.

What exemptions have been retained?

- A fisher conducting limited processing, while at sea, for the purposes of preserving their catch does not need this licence.

What has changed? There are several exemptions being proposed that both clarify the Ministry's licensing objectives and also reflect past licensing policy decisions. The following activities are exempt and will not require a provincial Seafood Processing Licence:

- Operators processing fish at federally registered fish processing plants.
- Facilities regulated under the Food Premises Regulation, such as restaurants and retail stores, where fish and seafood is being processed for resale at that location (i.e. not for wholesale distribution).
- Cold storage facilities that are regulated under the Food Premises Regulation storing multi-commodity products (e.g. fish, beef).
- Stunning and bleeding cultured marine fish on site.
- Limited processing activities (e.g. heading or gutting) of cultured freshwater fish for sale at farm gates and temporary food markets.
- Limited processing activities (e.g. heading or gutting) of sport-caught fish for the purposes of preservation.

Are there any new requirements? Construction and operational requirements will be maintained or updated. New requirements for HACCP-based food safety plans will be introduced for all processing activities.

What about reporting requirements? The Ministry will continue to require and collect important economic data from industry. In the past, data collection has been achieved through a licence requirement and in future, it will be through regulation.

Proposal: Receiving Licence

What licence will this replace and who requires it? This licence replaces the provincial Fish Buying Station Licence. The licence name has been changed to more accurately reflect the activity and is required for a person that operates:

- A land-based facility used to receive fish directly from a commercially licensed fisher or a licensed packing vessel.
- A vehicle used to receive fish directly from a commercially licensed fisher or a licensed packing vessel.
- A vessel used to receive fish directly from a commercially licensed fisher.

What exemptions have been retained?

- Individuals operating a vehicle used to receive fish directly from a licensed fisher for their own personal consumption.
- To avoid duplication, a person holding a Seafood Processing Licence will not be required to also have a land-based receiving licence for that location.

What has changed? There are several new exemptions being proposed for this licence. The following activities will not require a receiving licence:

- Owners of restaurants or retail stores that are regulated under the Food Premises Regulation and who are operating a vehicle used to receive and transport fish to their own facility provided it is intended for resale at that location.
- Operators of restaurants or retail stores that are regulated under the Food Premises Regulation and who are receiving fish for resale at that location.
- Operators of federally registered fish processing facilities will not require a land based receiving licence at the location of the registered facility.
- Operators of federally licensed commercial fishing or packing vessels.
- Fishers transporting their own catch.

Are there any new requirements? Construction and operational standards for unloading, handling and transporting fish will apply to each type of licensed facility regardless of whether a licence is required or not. Requirements may vary according to the type of activity. New requirements for HACCP-based food safety plans are being considered for some activities conducted under a Receiving Licence.

What about reporting requirements? The Ministry will continue to require and collect important economic data from industry. In the past, data collection has been achieved through a licence requirement and in future, it will be through regulation.

Proposal: Fisher's Vending Licence

What licence will this replace and who requires it? The proposal is to retain the Fisher's Vending Licence. This is not a new licence and the name has not changed. This licence is required for commercial fishers who are selling their own catch directly to the public for personal consumption, or to retail stores or restaurants that are regulated under the Food Premises Regulation.

What exemptions have been retained? None.

What has changed? Previously a provincial Fish Buying Station Licence was required for operators of restaurant and retail stores who purchased fish directly from commercial fishers. This will no longer be a requirement, but fishers that wish to sell to these operations must now have a Fisher's Vending Licence.

Are there any new requirements? Fishers selling from their vessels will have to meet construction and operational standards. A new requirement for HACCP-based food safety plans is being considered.

Where fish are sold from a location other than the harvesting vessel, such as a private residence or roadside sales, these places are considered a food premise and will be regulated under the Food Premises Regulation.

What about reporting requirements? The Ministry will continue to collect important economic data from this segment of industry through regulation.

Proposal: Aquatic Plant Harvesting Licence

What licence will this replace and who requires it? The proposal is to retain the Aquatic Plant Harvesting Licence. This is not a new licence and the name has not changed. This licence is required for a person to harvest aquatic plants for human consumption.

What exemptions have been retained? None.

What has changed? Previously it was unclear what was considered personal use versus commercial harvest. An exemption is proposed for individuals harvesting product for their own personal use up to a prescribed maximum amount.

Are there any new requirements? Proposed requirements include the preparation and submission of a harvest plan in certain cases, at the Minister's discretion. A harvest plan would include an overview and description of the species to be harvested, proposed harvest methods, proposed harvest area, and proposed measures to mitigate any environmental impacts.

Handling and transporting requirements for products destined for human consumption will have to meet specific food safety standards and a requirement for HACCP-based food safety plans is being considered.

What about reporting requirements? As royalties must be paid on all plants harvested, reporting requirements on species and amounts taken are needed to establish the amount of royalties that must be paid. In addition, the Ministry will continue to collect important economic data from this segment of industry and in future, regulations will prescribe data collection requirements.

Proposal: Aquaculture Licence

What licence will this replace and who requires it? This licence amends the previous Aquaculture Licence and will be limited in its scope to only those aquaculture operations that fall outside of the federal regulatory system.

What exemptions have been retained? None.

What has changed? As a result of a 2009 BC Supreme Court decision, the province no longer regulates shellfish and finfish aquaculture operations as they now fall under federal jurisdiction. As a result, provincial Aquaculture Licences will no longer be required for finfish or shellfish operations. However, the culture of aquatic plants will continue to be licensed by the province.

Are there any new requirements? No.

What about reporting requirements? The Ministry will continue to collect important economic and harvest data from this segment of industry and this will remain a requirement.

Proposal: Fish Broker's Licence

What licence will this replace and who requires it? This licence will no longer be required. A Fish Broker's Licence was required for individuals or companies that were not physically handling the fish but who were purchasing fish directly from commercial fishers and who did not already hold a provincial Fish Processing or Fish Buying Station Licence.

What exemptions have been retained? None.

What has changed? The Fish Broker's Licence will no longer be required.

Are there any new requirements? No.

What about reporting requirements? The purpose of this licence was to identify and collect economic data from those individuals who were purchasing fish directly from commercial fishers but who were not holding another licence issued by the Ministry. The Ministry will continue to collect important economic and harvest data from this segment of industry and will address specific reporting requirements through regulation.

Consultation Questions

What type of licence or licences do you currently hold?

- Fish Processing Plant Licence*
- Fish Broker's Licence*
- Aquatic Plant Processing Plant Licence*
- Aquatic Plant Harvesting Licence*
- Fish Buying Station Licence*
- Aquaculture Licence*
- Fisher's Vending Licence*

Proposed HACCP-based food safety requirements:

- a) Do you currently have a food safety plan for all your licence types? Why or why not?
- b) If yes, is this plan HACCP-based?
- c) Do you regularly monitor and update your food safety plan?
- d) Considering the proposal to move towards the requirement for a HACCP-based food safety plan, do you anticipate any significant issues for your operation(s)?
- e) If you do not have a food safety plan, what resources would you need in order to develop one?

Proposed Licensing Changes:

- f) There are a number of proposed licensing changes and exemptions identified in the preceding pages. Do you agree with these and do you anticipate any significant issues for your operation(s)?
- g) If you identified issues for your operation in the proposed licensing changes, what could the Ministry do to assist you in addressing them?
- h) The Ministry is considering implementing a requirement for some aquatic plant harvesters to submit a harvesting plan. Do you anticipate any significant issues for your operation(s)?

Economic data and statistical reporting requirements:

- i) Do you have any suggestions on how to streamline the existing data reporting process?

Additional comments:

- j) Please provide any additional comments that you might have.