

CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1141/96

Fish Inspection Regulations

under the
Fish Inspection Act
(O.C. 96-934)

Amended by:

53/96

68/97

96/97

67/98

46/03

115/05

CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1141/96

Fish Inspection Regulations

under the
Fish Inspection Act
(O.C. 96-934)

Under the authority of section 4 of the Fish Inspection Act and the Subordinate Legislation Revision and Consolidation Act , the Lieutenant-Governor in Council makes the following regulations.

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Short title

1. These regulations may be cited as the Fish Inspection Regulations.

417/78 s1

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Definitions

2. In these regulations

- (a) "Act" means the Fish Inspection Act ;
- (b) "can" includes a hermetically sealed glass bottle or metal container;
- (c) "canned fish" includes fish packed in a hermetically sealed container and so treated with heat to prevent spoilage and to destroy all pathogenic organisms;
- (d) "comminuted fish" means fish flesh that has been ground to a fine uniform consistency;
 - (d.1) "core plant" means a fish processing establishment which is licensed to process groundfish and other approved species and which processed a minimum of 1,000 tons of groundfish species on an average annual basis over the 1987 to 1991 period inclusive, as determined by the minister either as a stand alone operation or on the basis of consolidation of one or more licences approved by the minister;
- (e) "crab" means a decapod crustacean of the species *chionoecetes opilio*;
 - (e.1) "crab sections" means those portions the body of a crab that has been divided into 2 parts and that still has the legs attached to it;
- (f) "drained weight" or "dry weight" means the weight of the edible contents of a container after the liquid has been drained by a method prescribed by the minister;
- (g) "fish sticks" means uniform rectangular portions of fish flesh coated with batter and breading;
 - (g.01) "grading" means the process of measuring fish based on the characteristics of

- (i) texture,
- (ii) life condition,
- (iii) size,
- (iv) color,
- (v) odour,
- (vi) leg loss, and
- (vii) the absence or presence of other defects

to identify the means by which fish will be marketed;

(g.1) "in province retail fish establishment" means a fish processing establishment licensed under the Act that is only authorized to market the fish that it processes for in province trade;

(h) "lobster cocktail" means lobster canned in combination with cod, haddock, hake or cusk;

(i) "net weight" means the total weight of the edible contents of a container;

(i.1) "non core plant" means a licensed fish processing establishment which does not meet core status as determined by the minister;

(j) "processed crab" means crab that has been cleaned, cooked, shucked and prepared in a fresh, frozen or canned form ready for human consumption without further processing;

(j.1) "processed product" means fish product produced at a licensed establishment during 1997;

(k) "secondary processing" means the processing of fish as part of its preparation for market beyond the primary processing stage by either, adding one or more ingredients, other than water or salt, to it which results in a substantive increase to the bulk and/or a substantive transformation to the taste and texture of the fish as a food product, or applying some other treatment or process to it, other than salting or curing, which results in a significant taste, flavour and/or texture enhancement of the fish as a food product;

(l) "semi-processing of crab" includes cleaning, icing, chilling, freezing, packing, cooking, pickling, partially shucking, or preparing in another manner for marketing to persons or corporate bodies who make it a business to carry out further processing or to market for those purposes;

(m) "shellfish" means mollusca and crustaceans or products from them intended for human consumption;

(n) "shucking" or "shucked" means the complete removal of the meat from the shell; and

(o) "sterilized" in respect of canned fish means canned fish that has been treated with heat to prevent spoilage and to destroy all pathogenic organisms;

417/78 s2; 134/82 s1; 175/86 s1; 96/97 s1; 46/03 s1

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Inspection required

3. All fish is subject to inspection by an inspector.

417/78 s3

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Detention of fish

4. (1) For the purpose of preserving the identity of fish, an inspector may detain the fish by attaching to the fish or a container of fish a numbered tag upon which shall be clearly written

- (a) the word "held";
- (b) an identification number;
- (c) a brief description of the lot detained;
- (d) the date; and
- (e) the signature of the inspector.

(2) Where fish is detained under subsection (1), the inspector shall deliver or mail to the owner or his or her agent a duly completed notice of detention.

(3) Where fish is detained under subsection (1) on premises owned or leased by a person who is not the owner of the fish, a copy of the notice of detention shall be delivered or mailed to that person.

(4) A person shall not alter, deface or remove a tag attached to fish or a container of fish under subsection (1) or move, sell or dispose of the fish or container of fish unless he or she has obtained a release from an inspector.

(5) Notwithstanding subsection (4), where it is necessary for fish or a container of fish referred to in that subsection to be moved from one location to another, or a person referred to in subsection (2) or (3) or the carrier, where the fish or container is detained on a vehicle, has made a reasonable request for the fish or container to be moved under detention, an inspector may permit the fish or container of fish to be moved accordingly.

(6) Where an inspector is satisfied that fish detained under subsection (1) meets the requirements of the Act and the regulations made under it, he or she shall promptly notify all parties concerned and prepare a notice of release and deliver or mail one copy of the notice to the

owner of the fish or his or her agent and one copy to the person on whose premises the fish was found.

62/95 s1

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Length of detention

5. Fish or containers of fish shall not be detained, under this regulation, for more than 14 days after the date of detention of the fish and must be released unless seized under a warrant obtained under the Act.

62/95 s1

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Disposal of tainted, decomposed or unwholesome fish

6. An inspector may require the owner of fish that is tainted, decomposed or unwholesome to dispose of that fish under the direction of the inspector and in a way that prevents the fish being marketed for human consumption.

417/78 s4

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Time limit for disposal

7. Where fish is disposed of under section 6, it shall be disposed of within 30 days following inspection by an inspector.

417/78 s5

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Reinspection

8. Where a person aggrieved by a decision of an inspector appeals to the minister under section 7 of the Act, that person may request another inspection of the matter in dispute and the minister may order the reinspection if the request is made to him or her within 30 days of the disputed inspection and if the person aggrieved can satisfy the minister that

- (a) the identity of the fish or containers in dispute has been preserved; and
- (b) those fish or containers do not have in or upon them a poisonous or harmful substance.

417/78 s6

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Labelling of fish or fish product

9. A container of fish for retail sale or wrapper or label of it shall be correctly and legibly marked in English or French to indicate

- (a) the common name of the fish or fish product;
- (b) the weight of contents, as follows:
 - (i) for canned fish other than shellfish and crustacea, the net weight of contents,
 - (ii) for canned shellfish and crustacea, the drained weight of the contents, except that for fresh or frozen lobster meat both the net weight and the drained weight of the contents shall be shown,
 - (iii) for fish other than canned fish, the net weight of contents unless
 - (A) the container, wrapper or label indicates that the contents are to be weighed at time of retail sale,
 - (B) in the case of oyster and clam meats that are not frozen, the container, wrapper or label is marked with a statement of net contents in terms of weight, fluid measure or count, or
 - (C) in the case of oysters that are marketed in the shell, the container, wrapper or label is marked with the contents in terms of bushels or pecks or by count;
- (c) the name and address of the person by whom or for whom the fish is produced or packed, or by whom it is distributed; and
- (d) the ingredients in each container, where there is more than one ingredient in it, either
 - (i) by listing them in descending order of their proportion in the container, or
 - (ii) by stating the proportion of each ingredient in the container.

417/78 s7

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Particulars of required information

10. The information required to be marked on a container or the wrapper or label of it under section 9, shall be shown in a manner so that

- (a) the common name of the fish and the stated weight of the fish appear on the main body or face of the container or on the main panel of the label; and
- (b) the common name of the fish be in letters of equal height and prominence and indicate whether the produce has been prepared

- (i) by mincing, flaking or other special process,
- (ii) from selected parts of fish, or
- (iii) for dietetic use.

417/78 s8

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Quality designations

11. Quality designations shall not be marked on a container, wrapper or label for a fish or fish product produced and sold within the province unless

- (a) specific standards of quality have been defined by these regulations; and
- (b) the fish complies with the prescribed standard of quality.

417/78 s9

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Tuna and lobster requirements

12. In addition to the requirements of sections 9, 10 and 11,

(a) canned tuna shall have indicated on the label the colour of the flesh in accordance with standards prescribed by the minister; and

(b) containers of fresh or frozen lobster meat shall be marked or labelled with the words "Fresh Lobster Meat" or "Frozen Lobster Meat" to correctly identify the contents of them.

417/78 s10

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Code markings

13. Every can of fish and every container of fresh or frozen lobster meat shall be embossed with code markings that

- (a) identify the establishment in which it was packed;
- (b) indicate the day, month and year of packing; and
- (c) identify the fish product contained in it in accordance with the following table:

TABLE

Fish Product
First letters of
code marking

Lobster
L

Tomalley or lobster paste
LT

Lobster cocktail
LC

417/78 s11

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Placement of code markings

14. The code markings required by section 13 shall appear on one end of the case in which the cans of fish or containers of fresh or frozen lobster meat are packed at an establishment.

417/78 s12

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Marking of master containers

15. Except as otherwise provided in these regulations, master containers for packaged fish shall be legibly marked in a manner so that the name of the processing establishment and the day, month and year of packaging can be determined by an inspector.

417/78 s13

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Fish sticks

16. Fish sticks shall

- (a) if cooked, contain a minimum of 66 2/3% by weight of fish flesh;
- (b) if uncooked, contain a minimum of 75% by weight of fish flesh;
- (c) weigh not less than one ounce each;
- (d) be free from defects; and
- (e) not be prepared from comminuted fish flesh.

417/78 s14

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Scallops

17. (1) Uncooked breaded scallop meat shall contain a minimum of 75% by weight of scallop meat.

(2) Seawater or 3% brine made with fresh water obtained from a source approved of by the minister shall be used for washing scallop meat.

(3) A person shall not process or market

(a) whole scallops, fresh scallop meat or scallop meat with roe attached unless it is free from organoleptically detectable spoilage;

(b) whole scallops, frozen or breaded scallop meat, or scallop meat with roe attached that does not meet the requirements of these regulations; or

(c) fresh, frozen or breaded scallop meat unless the meat is free from pieces of roe, gut, shell particles, sand or other foreign material.

(4) Whole scallops, scallop meat with roe attached, or fresh scallop meat may only be packaged in a container approved of by an inspector.

(5) Notwithstanding subsection (3), whole scallops, fresh, frozen or breaded scallop meat, or scallops with roe attached, may be processed or marketed provided that they are taken from an area approved of for those purposes by the Minister of Fisheries and Oceans or his or her designate and provided that the buyer or processor concerned first obtains a licence from the minister to process or buy them under these regulations.

80/92 s1

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Live shellfish

18. A person shall not process shellfish, except shrimp and squid, that are not alive.

67/98 s1

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Marketing of live mollusca

19. (1) A person shall not market live clams, mussels or other mollusca unless

(a) the minister is satisfied on the basis of information submitted to him or her that the waters from which those shellfish are taken are of a nature that will ensure that the shellfish are wholesome;

(b) those species when transported for sale to a processing facility or sales outlet are in closed containers or bags that are tagged to indicate the type of species, harvesting site, date harvested and the name of the harvester; and

(c) that person maintains a log book of a type approved by the minister in which is recorded all species marketed, harvesting site, date harvested, the name of the harvester and the name of the buyer if applicable.

(2) [Rep. by 67/98 s2]

117/88 s1; 67/98 s2

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Canning of clams, mussels and oysters

20. (1) Clams, mussels and oysters that are used for canning shall not contain excessive green algae and shall be free from sand, gravel, pearls, discolouration and shell pieces.

(2) Where soft-shelled clams are used for canning, the dark coloured portion of the siphon and all of the mantle cover shall be removed.

417/78 s17

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Fresh and frozen lobster meat

21. Fresh and frozen lobster meat shall be free of the stomach, the intestinal tract, the gills, cartilage, shell, particles, liver, roe and any other part that is not flesh.

417/78 s18

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Lobster cocktail

22. (1) Lobster cocktail shall be prepared from fresh, well-washed fish in combination with sound lobster meat free from inedible parts.

(2) More than 50% of the drained weight of the contents of a can of lobster cocktail shall be lobster meat.

417/78 s19

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Tomalley

23. (1) Tomalley shall be prepared from clean, sound roe, green liver and lobster meat free from inedible parts.

(2) The use of filler or another ingredient in a can of tomalley is prohibited.

417/78 s20

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Lobster paste

24. (1) Lobster paste shall be prepared from those parts of lobster used in the preparation of tomalley.

(2) Lobster paste shall be ground to a smooth consistency, shall be uniform in colour and may contain spices, artificial colour and a maximum of 2% filler by weight of the finished paste.

417/78 s21

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Cleaning and disinfection of conveyances

25. All conveyances, including insulated containers, vehicle bodies, boxes, tubs and barrels, used for the carriage of fish within the province shall be cleaned before each trip and shall be disinfected when considered necessary by an inspector.

417/78 s22

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Storage before processing

26. (1) Unprocessed fish that is

- (a) on board a vessel;
- (b) being transported; or
- (c) awaiting processing,

shall be

(d) iced or chilled in a manner so as to maintain the temperature of the fish between 0 degrees Celsius and 4 degrees Celsius;

(e) kept in an enclosure or area of containment in which the relative humidity is greater than 75%;

(f) protected from physical damage, contamination and weather at all times; and

(g) stowed in a container so that the depth of fish and ice does not exceed 90 centimetres but in any event so that the minimum distance between the fish and ice and the top of the container is 4 centimetres.

(2) A container referred to in paragraph (1)(g) may be placed on top of another container provided no pressure is, as a result, exerted on fish in the container on which it is placed.

67/98 s3

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Sterilization method

27. Canned fish shall be sterilized by a method approved by the minister.

417/78 s24

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Forking or gaffing of fish

28. (1) A person who handles, processes, stores, grades, packages, transports or markets fish may not fork or gaff the fish in any way, except when fish is being conveyed from the hold of a vessel to a wharf where approved unloading facilities are not available and in that event a one tine fork may be used provided the tine is put through the head of the fish.

(2) Where approved facilities are available, a fork shall not be used under any circumstances.

417/78 s25

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Vacuum pump

29. (1) A vacuum pump is defined as an off-loading device used to convey or transfer fish by the movement of air, water or a combination of air and water.

(2) An approved vacuum pump is one that is constructed in a manner so that the surface of all components coming into contact with ground-fish shall be smooth and made of non-corrodible material other than wood and shall be constructed in a manner so that it can be properly cleaned, and that

(a) is not capable of pumping more than 17,000 pounds of ground-fish through it in a single continuous one hour period, and that is certified by the minister or his or her duly authorized representatives; or

(b) has been mechanically limited or altered in a manner so that the flow rate of ground-fish through that vacuum pump will not exceed 17,000 pounds in a single continuous one hour period and that is certified by the minister or his or her duly authorized representative.

(3) The use of approved vacuum pumps for handling ground-fish shall be permitted.

(4) All ground-fish off-loaded by means of vacuum pumps shall be adequately washed before further processing in a source of water approved by the minister.

(5) The use of vacuum pumps other than approved vacuum pumps for handling ground-fish shall be prohibited.

39/90 s1

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Accessibility for inspection

30. The owner of fish or a person acting on his or her behalf shall make readily accessible to an inspector any fish or fish containers for which inspection or reinspection is required under these regulations.

417/78 s26

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Licence required

31. (1) A person shall not engage in a specific aspect of handling, storing, grading, marketing, transporting or operating a vehicle for transporting fish unless under authorization of a fish buyers licence or a fish processing licence granted by the minister.

(2) The minister may exempt a fisher or fisher - packer from these regulations upon the terms and conditions that he or she considers advisable when that person

(a) is selling directly to a licensed fish buyer or processor within the province and who is licensed under the Act; or

(b) is engaged in traditional smokehouse operations provided he or she first meets the conditions set out in Schedule B.

57/86 s1; 175/94 s1

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Fish processing licence required

32. (1) A person shall not engage in, or in a specific aspect of handling, processing, storing, grading, marketing, transporting or operating a vehicle for transporting fish unless he or she has been granted a fish processing licence by the minister.

(2) A fish processing licence may be issued by the minister upon those terms and conditions that he or she considers advisable and necessary, and may prescribe and attach different conditions to fish processing licences in respect of different areas of the province.

(3) An establishment shall not be used for or in connection with the handling, processing, storing, grading, transporting or marketing of fish unless the operator of that establishment has been granted a fish processing licence by the minister and unless that establishment meets the requirements set out in Part I of Schedule A.

(4) Notwithstanding subsection (3), where an establishment is being used for or in connection with the handling, processing, storing, grading, transporting or marketing of frozen caplin, the operator of that establishment must meet the requirements set out in Part III of Schedule A.

(5) The minister may cancel and declare null and void a fish processing licence granted and issued by him or her where a condition attached to it or these regulations or the requirements under Schedule A have been breached or violated.

(6) A fish processing licence issued and granted by the minister subject to subsection (5) shall expire on December 31 of the same calendar year in which the licence is issued.

(6.1) Notwithstanding subsection (6), a fish processing licence, including a renewal of a fish processing licence, that is issued in 2005 shall expire on March 31, 2006.

(7) An application for a fish processing licence shall be made to the minister in the form and containing the information that the minister shall require.

(8) Establishments used exclusively by a fisher for cleaning, salting, drying or icing his or her catch are exempt from the fish processing licence requirements of this section.

(9) A fish processing licence is not transferable nor assignable except with approval of the minister.

(10) [Rep. by 115/05 s1]

(11) The directors of a company or a corporation that is the holder of a fish processing licence shall report to the minister an issue or transfer of shares of its capital stock and, where the minister determines that the number of shares so issued or transferred affects the de facto control of the operations of the company or corporation, the processing licence shall terminate upon the issue or transfer of capital stock unless that issue or transfer is approved by the minister.

73/80 s1; 345/80 s1; 175/86 ss2&3; 25/87 s1; 137/88 s1; 160/92 s1; 115/05 s1

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Rep. by 68/97 s1

33. [Rep. by 68/97 s1]

68/97 s1

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Fish buyer's licence

34. (1) A person shall not buy or attempt to buy fish for processing or marketing except under a fish buyer's licence or a fish processing licence which has been issued by the minister.

(2) Fish buyer's licences may be issued by the minister and shall expire December 31 of each calendar year.

(2.1) Notwithstanding subsection (2), a fish buyer's licence, including a renewal of a fish buyer's licence, that is issued in 2005 shall expire on March 31, 2006 .

(3) Fish buyer's licences are not assignable or transferable.

(4) The minister may cancel a fish buyer's licence if the holder of it has been convicted of a breach of these regulations.

(5) A fish buyer's licence may be issued by the minister upon the terms and conditions that he or she considers advisable and necessary and may prescribe and attach different conditions to fish buyer's licences in respect of different areas of the province.

417/78 s28; 223/81 s1; 175/86 s4; 160/92 s2; 69/94 s1; 115/05 s2

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Licence suspension

34.1 (1) Where the holder of a fish processing licence or a fish buyers licence is determined by the minister to be in breach of a condition of his or her licence with respect to grading, the minister may suspend that licence

(a) for a first breach, for a minimum period of 24 hours;

(b) for a second breach, for a minimum period of 7 days; and

(c) for a third or subsequent breach, for a minimum period of 30 days.

(2) The minister may require

(a) that, in addition to any conditions imposed by the minister under section 32 or 34, the licence holder take those steps or comply with those conditions that the minister may impose; and

(b) that the licence holder provide proof of compliance with the conditions referred to in paragraph (a), including written proof where required.

(3) Proof of compliance referred to in subsection (2) includes, but is not limited to

(a) a certified copy of a contract of grading; and

(b) verification by an inspector that the licence holder is complying with any imposed conditions.

(4) A suspension imposed under subsection (1) shall remain in place until the licence holder, to the satisfaction of the minister

(a) complies with any conditions of licence and other conditions that may be imposed under this section; and

(b) submits the proof of that compliance that the minister may require.

(5) Where the minister is satisfied that the licence holder has complied with the conditions of his or her licence and those conditions that may be imposed under this section, the minister may revoke the suspension of that licence.

(6) Nothing in this section affects the ability of the minister to cancel a licence under section 37.

46/03 s2

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Minister to give notice

34.2 The minister shall provide the holder of the fish processing licence or the fish buyers licence whose licence is suspended with a notice including

(a) the time from which the licence suspension takes effect;

(b) the period during which his or her licence may be suspended; and

(c) the conditions with which he or she shall comply in order to have the suspension revoked.

46/03 s2

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Semi-processing of crab

35. Semi-processing of crab by a person is prohibited except to the extent of 15% of

(a) the total previous year's processed crab produced for marketing by that person between April 1 and March 31; or

(b) in the case of a person who did not process crab the previous year, then the total estimated processed crab intended to be marketed as set out in the application for a processing licence to the minister,

unless the person has been granted a semi-processing licence by the minister.

134/82 s2

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Seals

36. (1) Antioxidants (anti-yellowing solutions) shall not be stored or used in the immediate area of that part of a vessel, landing site or shore installation in which seals are bled, eviscerated, pelted or butchered and shall only be applied to the pelt after it has been removed from the carcass so that seal meat shall not come in contact with those antioxidants.

(2) A person shall not hold, or offer for sale, transport, process or attempt to process a carcass of seal or a portion of it intended for human consumption unless the seal

(a) had been bled immediately after killing by making an incision between the fore flippers and extending down the length of the abdominal cavity so that the cavity can be opened to provide for proper bleeding;

(b) had been completely eviscerated during or following the bleeding process;

(c) after evisceration and pelting, had not come in direct contact with surfaces where contamination may occur; and

(d) had been derived from a carcass or part of a carcass that was free from unwholesome, diseased or emaciated conditions.

(3) Seal meat intended for human consumption shall be washed in clean fresh or salt water devoid of pollution or harmful substances.

37/81 s1

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Licence cancellation for breach

37. The minister may cancel the licence or licences of a plant, operator and buyer or any one or more of them who may be in breach or who are involved in activities in breach of the Act or these regulations or conditions attached to a fish processing licence.

134/82 s2

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Licence fees

38. (1) The annual fee for a fish processing licence in 1997 shall be based upon the type of fish processing facility and the type of fish processing activity carried on at a licensed facility and shall be the sum of that amount determined when the applicable base fee under subsection (2) is added to the amount determined under subsection (2) is added to the amount determined under subsection (3).

- (2) The base fee for each type of licensed fish processing facility is as follows:
- (a) for a core plant - \$3,500;
 - (b) for a non core plant - \$1,500;
 - (c) for an in province retail establishment - \$700;
 - (d) for a secondary processing facility; and
 - (e) for an aquaculture operation engaged in processing activity licensed under the Act - \$500.

(3) Where a licensed fish processing facility is engaged in any of the following types of production activities the following amount shall be added to the applicable base fee under subsection (2) to determine the applicable licence fee for that facility

(a) where a licensed facility is engaged in processing crab other than as crab sections - \$2.50 per metric ton of that processed product;

(b) where a licensed facility is engaged in the processing of crab as crab sections - \$10 per metric ton of that processed product;

(c) where a licensed facility is engaged in processing female caplin - \$3 per metric ton of that processed product;

(d) where a licensed facility is engaged in processing for lumpfish roe - \$3 per metric ton of that processed product; and

(e) where a licensed facility is engaged in processing shrimp - \$5 per metric ton of that processed product.

(4) The annual fee for a fish processing licence issued in 1997 shall be assessed by the end of the 1997 calendar year and shall be paid by all licensed fish processors prior to the issuance of a fish processing licence for 1998 and on or before March 31, 1998 .

(5) The annual fee for a fish buyer's licence shall be \$700.

96/97 s2

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[Repeal](#)

39. The Fish Inspection Regulations, 1969, Newfoundland Regulation 417/78, are repealed.

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[Schedule A](#)

Construction, Equipment and Operating Requirements for Fish Processing Establishments

PART I CONSTRUCTION AND EQUIPMENT REQUIREMENTS

Floor surfaces in wet areas

1. The surface of floors in wet working areas where fish is received, held, processed or packaged shall be sloped for drainage purposes and constructed of concrete or other material that the minister may approve.

Floor surfaces in dry areas

2. Floors in dry working areas shall be properly constructed of material that the minister approves.

Drains

3. Drains shall be an adequate size, suitable type and, where connected directly to a sewer, equipped with traps.

Inside wall surfaces/wet areas

4. Inside surfaces of walls in wet working areas where fish is received, held, processed or packaged shall be constructed of smooth, waterproof, light coloured material that is acceptable to the minister and that can be thoroughly washed up to a height of not less than 1.2 metres.

Inside wall surfaces/dry areas

5. Inside surfaces of walls in dry working areas where fish is packaged or stored shall be constructed of light coloured material that is acceptable to the minister.

Processing or packing rooms

6. Rooms where fish is processed or packaged shall have ceilings that are free from cracks, crevices and open joints and constructed of smooth, washable, light coloured material acceptable to the minister.

Exposed pipes prohibited

7. There shall be no exposed pipes over working surfaces on which fish or shellfish is prepared or packed.

Adequate ventilation required

8. Adequate ventilation shall be provided in working rooms.

Illumination required

9. A minimum illumination of 6.1 metre candles shall be provided on all working surfaces in processing and packaging rooms.

Toilet facilities

10. Adequate toilet facilities of a type approved by the minister shall be provided.

Doors in toilet facilities

11. Rooms in which toilet facilities are located shall have doors of a type approved by the minister.

Sanitary wash basins

12. An adequate number of sanitary washbasins with a satisfactory supply of hot and cold water, liquid or powdered soap, air dryers or single service towels shall be provided in a location approved by the minister.

Safe sanitary water

13. (1) An adequate supply of safe sanitary water having a most probable number of coliform bacteria of 2 or less per hundred millilitres, or water from a source approved by the minister, under a minimum operating pressure of 20 pounds per square inch, shall be provided.

(2) Notwithstanding subsection (1), an establishment may use water other than water referred to in subsection (1) for fire protection, boilers or auxiliary services if there is no connection between the systems providing water to the establishment.

Hot water system

14. The hot water system shall provide a supply of water at a minimum temperature of 43° Celsius sufficient for the operations of the establishment.

Disinfection facilities

15. Facilities shall be available at a convenient location where protective hand coverings used in processing areas can be disinfected.

Cutting, filleting and skinning boards

16. Cutting, filleting and skinning boards shall be made of a single piece of planed lumber or other material that is smooth and without cracks and shall be constructed in a manner approved by the minister.

Composition of other surfaces

17. Surfaces, other than cutting, filleting and skinning boards, on which fish is processed shall be made of non-corrodible material other than wood and all joints on those surfaces shall be smooth and watertight.

Frames and legs of equipment

18. The frames and legs of all equipment on which fish is processed or packed shall be constructed of metal or other material approved by the minister.

Tables

19. Tables shall be so constructed that they and the areas beneath can be cleaned readily.

Boxes and other containers

20. Boxes, carts, bins and other containers used in fish processing establishments for holding fish, other than live shellfish, before it is processed or shipped shall provide drainage and, if made of wood, shall be constructed of planed lumber or waterproof plywood coated with a material approved by the minister.

Composition processing equipment

21. Containers, trays, tanks, vats and other utensils used for processing fish shall be of non-corrodible material of a type approved by the minister and shall have smooth surfaces free from cracks and crevices.

Offal bins

22. (1) Containers in which offal is stored shall be watertight, have well fitted covers and be constructed of metal or other material approved by the minister.

(2) A concrete or other suitable surface, sloped for draining purposes, shall be placed under elevated offal bins.

Wood

23. Wood shall not be used for the construction of a part of a conveyor that comes in contact with fish other than packaged fish.

Conveyor belts

24. Conveyor belts that come in contact with fish other than packaged or dried fish shall be fitted with a spray of water and, where practical, with a scraper.

Flumes

25. Flumes for conveying fish shall be constructed of non-corrodible material, other than wood, and shall be constructed in a manner so that they can be properly cleaned.

Wire mesh utensils

26. Wire mesh utensils shall not be used except for handling shellfish in the shell.

Enamelled utensils

27. Enamelled utensils shall not be used.

Freezing facilities

28. Freezing facilities for processed fish shall be capable of reducing the temperature at the centre of a one inch thick block of unpackaged fillets to -20.5° Celsius in 2 hours or less.

Air freezing

29. Where round or dressed fish is not contact frozen, freezing facilities shall be available to freeze fish by means of air at a temperature of -28.9° Celsius or colder moving at a velocity of not less than 121.9 metres per minute until the temperature at the centre of the thickest section of the fish is -20.5° Celsius.

Cracking blocks and mallets

30. Cracking blocks and mallets used in processing shellfish shall be constructed of material approved by the minister.

Roller devices

31. Roller devices used for extracting shellfish meat shall be constructed of non-corrodible material approved by the minister and shall be equipped with spray washers.

Canneries

32. Canneries shall have an adequate supply of steam that shall be maintained at a sufficient pressure for canning operation.

Equipment in canneries

33. Canneries shall be equipped with one or more
- (a) sealing machines of a type approved by the minister; and
 - (b) retorts equipped with properly installed
 - (i) mercury-in-glass thermometer,
 - (ii) pressure gauge,
 - (iii) steam spreader, and
 - (iv) venting valves.

PART II OPERATING REQUIREMENTS

Record of sterilization treatment

34. A record of the sterilization treatment used for each batch of fish or shellfish shall be kept on file at a cannery for a period of not less than 12 months.

Water to be chlorinated

35. Water used for cooling sterilized canned fish or shellfish shall be chlorinated to give a chlorine residual of at least 2 parts per million, except where canned fish or shellfish is cooled in a retort using a water supply approved by the minister.

Boiling vats

36. Vats in which shellfish are boiled shall be drained and cleaned at 2 hour intervals or at shorter intervals that may be considered necessary by an inspector.

Removal of cooked shellfish

37. Shellfish shall be removed from the cooking vats immediately after they have been cooked.

Cooling and processing of shellfish

38. When a batch of lobster, crab or shrimp has been cooked, it shall be cooled immediately in clean, cold water and, if further processing does not commence within one hour, it shall be

(a) rapidly chilled and stored at a temperature of 0° Celsius to 1.7° Celsius and processed within 18 hours; or

(b) frozen immediately and held at -26° Celsius or lower until processed further.

Shucked lobster meat

39. When lobster meat has been shucked, it shall be washed in cold running water before it is processed further.

Round or dressed fish

40. Round or dressed fish shall be adequately washed before further processing.

Ice to be clean

41. Only clean ice made of water from a source approved by the minister shall be used in an establishment.

Diseased or infected workers

42. A person who

(a) is known to be suffering from a communicable disease;

(b) is a known "carrier" of a disease; or

(c) has an infected wound or open lesion on a portion of his or her body,

may not be employed in a working area of an establishment.

Hand washing

43. A person engaged in handling, processing or packing fish shall be required to wash his or her hands thoroughly with warm water and liquid or powdered soap after each absence from duty.

Fingernail polish prohibited

44. Employees who handle processed fish with their bare hands shall not be allowed to wear fingernail polish.

Protective hand coverings

45. Protective hand coverings worn by employees in the processing areas shall be disinfected at each break during the work shift.

Protective clothing

46. An employee engaged in fish processing operations except filleters, skinners, scalers, handlers of round and dressed fish and workers in frozen storage rooms shall be required to wear clean coveralls, smocks or coats and headgear of a type approved by the minister.

Garments and headgear required

47. (1) Filleters, skinners, scalers and handlers of round and dressed fish shall be required to wear clean outer garments and headgear of a type approved by the minister.

(2) Waterproof garments shall be properly cleaned after each work shift.

Clean outer garments required

48. Workers in frozen storage rooms shall be required to wear clean outer garments.

Smoking/spitting prohibited

49. Smoking or spitting shall not be allowed in a working area.

Floors to be clean

50. Floors in wet working areas shall be kept clean and be thoroughly washed and disinfected daily.

Utensils to be clean

51. (1) Utensils coming in contact with processed fish, other than packaged fish, shall be cleaned and disinfected at least once during and at the end of each work shift by a method approved by the minister.

(2) At the end of each working day, the utensils referred to in subsection (1) shall be air-dried and stored in a sanitary manner.

Equipment to be clean

52. Equipment, including conveyor belts and tables, coming in contact with processed fish, other than packaged fish, shall be cleaned and disinfected at the end of each work shift by a method approved by the minister.

Toilet facilities to be clean

53. Toilet facilities shall be maintained in satisfactory condition and a supply of toilet tissue shall be available in each toilet room.

Sewage disposal

54. Sewage, including liquid waste from fish processing operations, shall be disposed of in a manner so that the waste is inaccessible to flies and the water supply for the establishment will not become contaminated.

Removal of offal/refuse

55. Offal or other refuse shall be removed from the fish processing area at least once daily and be handled and disposed of in a manner satisfactory to the minister.

Offal containers

56. Offal containers shall be used only for offal.

Animals prohibited

57. Dogs, cats and other animals shall not be allowed in an establishment.

Insect and rodent control

58. (1) A rodent and insect control program satisfactory to the minister shall be maintained in establishments and, where pesticides and rodenticides are used, the application of it shall be made under the supervision of a responsible operator using proper equipment in a manner that prevents contamination of fish.

(2) Pesticides and rodenticides referred to in subsection (1) shall be of a kind approved by the minister.

Storage and handling of products and ingredients

59. Fish products and ingredients used in the preparation of fish products shall be protected from contamination and deterioration during storage and handling.

Covered storage space

60. Adequate covered storage space for packaging material for dried salted fish shall be provided.

Salt storage

61. Salt used for curing fish shall be stored in a location approved by an inspector.

Unnecessary material/equipment

62. Unnecessary material or equipment shall not be stored in a working area.

External area to be clean

63. The area and beach, surrounding and under the control of an establishment, shall be kept clean.

Availability of cleaning equipment

64. Brushes, brooms, hoses and other equipment and material necessary for proper cleaning shall be available at all times in processing establishments.

Repair and condition of establishment and equipment

65. Fish processing establishments and all equipment and utensils used in the operations of those establishments shall be kept in good repair and in a clean and sanitary condition.

PART III

OPERATING REQUIREMENTS FOR ESTABLISHMENTS PROCESSING CAPLIN INTO FROZEN PRODUCTS

Definitions

66. In this Part

(a) "carrier" means a person or company engaged in a business of transporting fish or fish products;

(b) "female" means biologically female caplin that are not broken, mutilated or spent;

(c) "rounded" means expressed, written or designated; and

(d) "thermal centre" means the point in a product that has the highest temperature after chilling or freezing or the lowest temperature after thawing.

Caplin in freezing process

67. Caplin subjected to a freezing process shall not be removed from a freezer until the temperature of the product has been reduced to 21° Celsius or colder at the thermal centre of the container of fish.

Temperature of storage areas

68. Storage areas containing frozen caplin shall be maintained at a temperature of -26° Celsius or colder.

Temperature of frozen caplin

69. Frozen caplin held in storage shall be maintained at a temperature of -21° Celsius or colder.

Female caplin container

70. All containers of female caplin shall be correctly and legibly marked in bold face type in letters not less than one centimetre in height to indicate

- (a) that the contents of the package are female caplin;
- (b) the net weight of the contents, but the actual weight of contents in the container, shall not exceed the net weight indicated on the container by more than 10%;
- (c) the number or count of female caplin per kilogram; and
- (d) the name and address of the party by whom the caplin is processed or by whom it is distributed.

Contents of container

71. All containers labelled female caplin shall consist of not less than 95% female caplin by actual weight.

Calculation of caplin amounts

72. For the purpose of calculating the amounts required in paragraph 70(c), all figures shall be rounded to the nearest whole number.

Detailed markings on container

73. A container in which caplin is packed shall be legibly marked in a manner so that the name of the establishment or the Department of Fisheries and Oceans registration number and the day, month and year of processing can be determined by an inspector.

Refrigeration of frozen caplin

74. Frozen caplin shall, while under control of a carrier, be kept refrigerated in a manner so that the temperature at the thermal centre of the caplin shall not be higher than -15° Celsius.

Contents of container

75. All containers of male caplin shall consist of not less than 90% male caplin by actual weight and be labelled as male caplin.

Other processed caplin

76. All caplin processed and marketed as other than female caplin or male caplin shall be subject to the specifications that the minister may approve.

417/78 Sch; 137/88 s1; 95/89 s1; 159/90 s1; 181/90 ss1&2; 124/91 s1; 80/95 ss1&2

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Schedule B

Construction, Equipment and Operating Requirements for Smokehouse Operations traditionally engaged in by Fishers

PART I
CONSTRUCTION AND EQUIPMENT
REQUIREMENTS

Floors

1. (1) Concrete or other equally impervious material must be smooth and crack-free with a minimum 30.5 centimetre curb.
- (2) If equipped with a drain, the floor must be properly sloped for drainage.

Drains

2. (1) If applicable, drains that are connected to a sewer must be properly trapped.
- (2) All drains must be rodent proof.

Walls

3. (1) Concrete, plywood or other equivalent material must be smooth and crack-free.
- (2) T & G lumber is not acceptable.

Ceilings

4. Plywood or other equivalent material must be smooth, crack-free and devoid of any ledges.

Ventilation

5. (1) Ceiling or roof vent must be designed to prevent leaks.
- (2) All vents must be rodent proof.

Lighting

6. (1) Unless lighting is installed, the building must be designed so that enough natural light can be provided to facilitate cleaning.
- (2) Light fixtures must be properly covered.

Exterior and surroundings

7. The building and surroundings must be designed and maintained to create a sanitary appearance and not attract rodents, insects and other animals.

PART II EQUIPMENT

Racks

8. Existing wooden racks are acceptable but new racks, including hooks, must be constructed of approved non-corrodible material other than wood.

Containers

9. Pans, trays, and similar containers used to carry fish to and from the smokehouse shall be of non-corrodible material other than wood and shall have smooth surfaces free from cracks and crevices.

Packages

10. Every container or packaging material in which smoked fish is packed shall be of a type approved by the minister.

PART III OPERATIONS

Storage

11. Round or dressed fish shall be adequately washed and chilled to 0° - 4° Celsius before and after processing.

Sanitation and hygiene

12. A person engaged in handling, processing or packing fish shall employ all measures to avoid the contamination of the products derived from fish with micro-organisms or foreign materials capable of causing spoilage or disease.

Smoking

13. (1) Materials used to generate smoke and produce a smoked flavour must be approved by the minister.

(2) Critical control points in the general smoking process must be identified and acceptable to the minister to ensure the final product is not tainted or unwholesome.

175/94 s2

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