

**NEWFOUNDLAND AND LABRADOR  
REGULATION 76/07**

*Fish Inspection Operations Regulations*  
under the  
*Fish Inspection Act*

Amended by:

33/08  
83/14  
76/15  
94/15  
65/19

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REGULATION 76/07**

*Fish Inspection Operations Regulations*  
under the  
*Fish Inspection Act*

(Filed July 10, 2007)

Under the authority of subsection 4(2) of the *Fish Inspection Act*, I make the following regulations.

Dated at St. John's , June 22, 2007 .

Tom Rideout  
Minister of Fisheries and Aquaculture

**REGULATIONS**

**Short title**

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

76/07 s1

**Interpretation**

2. (1) In these regulations

- (a) "Act" means the *Fish Inspection Act* except where the context indicates otherwise;
- (a.1) "approved source of water" means water from a source acceptable to the minister;
- (b) "bivalve mollusc" means a mollusc with a shell in 2 parts hinged together, such as a mussel, scallop or clam;
- (c) "can" includes a hermetically sealed glass bottle or metal container;
- (d) "cleaning" means the removal of soil, food fish residues, blood, waste water or other dirt or debris from a processing area or processing equipment;
- (e) "crab sections" means the body of a crab that has been divided into 2 parts and that still has the legs attached to it;
- (f) "disinfection" means the reduction of the amount of microorganisms to a level that does not pose a health risk;
- (g) "fish harvester" means a person licensed under the *Fisheries Act* (Canada ) or regulations under the *Fisheries Act* (Canada ) to fish for commercial purposes;
- (h) "grading" means the process of assessing fish based on the characteristics of
  - (i) texture,
  - (ii) life condition,
  - (iii) size,
  - (iv) colour,
  - (v) odour,
  - (vi) leg loss, or
  - (vii) the absence or presence of other defects;
- (i) "impervious", in respect of a material, means an inert material such as concrete through which water or another substance will not pass;
- (j) "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;
- (k) "inspector" means an inspector, officer or other person designated by the minister to exercise the powers of an inspector under the Act or the regulations;
- (l) "non-absorbent", in respect of a material, means a material that is highly resistant to the passage, absorption or incorporation of water or another substance;
- (m) "non-corrodible" means any metal or other material that does not readily rust, corrode, erode or otherwise decay;
- (n) "salted" means a process where fish is treated with sodium chloride or a brine solution in order to preserve the fish to the extent that the uptake of salt ceases and the fish does not become tainted or decomposed for a minimum of 6 months if refrigerated without freezing and "salting" has a corresponding meaning;.

- (o) "shellfish" means molluscs, crustaceans or echinoderms or products from any of them intended for human consumption;
- (p) "shucking" or "shucked" means the complete removal of the meat from the shell;
- (q) "smooth" means a fairly regular or even surface without projections, indentations or roughness and that can be easily cleaned and disinfected;
- (r) "snap and eat" means crab sections on which the individual legs have been scored or notched in order to more easily break the shell to extract the meat contained inside;
- (s) "sterilized" in respect of canned fish means canned fish that has been treated with heat to prevent spoilage and to destroy all pathogenic organisms;
- (t) "vacuum pump" means an off-loading device used to convey or transfer fish by the movement of air, water or a combination of air and water; and
- (u) "value-added processing" means the processing of fish beyond the minimum processing requirements where there may be an increase in the labour or value associated with its preparation into a food product.

(2) Notwithstanding the definition of "fish" in the Act, for purposes of these regulations, a reference to "fish" includes a reference to "marine plants" and a reference to a "container or carton of fish" includes a reference to a "container or carton of marine plants" except where the context indicates otherwise expressly or by necessary implication.

(3) A provision of these regulations that authorizes or prescribes the use of a form shall be considered to include the authority to prescribe an electronic form and a provision of these regulations that authorizes or prescribes the manner of filing, sending or delivering a form shall be considered to include the authority to prescribe filing, sending or delivering by means of facsimile telecommunication or other electronic means.

(4) A requirement under these regulations that an action be carried out or information be provided in writing includes a form of telecommunication that produces a writing and is satisfied by the provision of electronic information where the electronic information that is provided is accessible by the recipient, and capable of being retained in its original form by the recipient for subsequent reference.

(5) A reference in these regulations to "approved form" means a form approved by the minister.

76/07 s2; 75/15 s1

## **PART I INSPECTIONS**

### **Establishment requirements**

**3.** (1) An establishment shall only be used for, or in connection with, the handling, processing, storing, grading, transporting or marketing of fish where

- (a) the operator of the establishment holds a fish processing licence issued under the *Fish Inspection Administrative Regulations* ; and
- (b) the establishment has a certificate of registration issued by the Canadian Food Inspection Agency.

(2) Notwithstanding subsection (1), an in-province retail fish establishment shall only be used

for, or in connection with, the handling, processing, storing, grading, transporting or marketing of fish where the operator of the in-province retail fish establishment holds the following licences:

- (a) a valid fish processing licence issued under the *Fish Inspection Administrative Regulations* ; and
- (b) a valid licence issued under the *Food Premises Regulations* .
- (3) Subsections (1) and (2) do not apply to the following establishments:
  - (a) an establishment used exclusively by a fish harvester for
    - (i) washing, gutting, salting, sorting, handling, drying or icing his or her catch,
    - (ii) selling or offering to sell the following fish directly to either a person who holds both a fish buyer's licence and a licence under [section 5](#) of the *Food Premises Regulations* or an individual:
      - (A) fresh finfish,
      - (B) live crustaceans,
      - (C) seal meat,
      - (D) shucked scallops, or
      - (E) squid, or
    - (iii) filleting finfish for the purpose of selling it or offering to sell it in accordance with subparagraph (ii);
  - (b) an establishment used exclusively by a person licensed under the *Aquaculture Act* for the cultivation of bivalve molluscs for washing, handling or icing his or her harvest; and
  - (c) an establishment used by a person for the processing of fish for a purpose other than human consumption.
- (4) The operator of an establishment shall ensure that a copy of the current fish processing licence issued to the operator is prominently displayed in the establishment.

83/14 s1; 76/15 s2

#### **Agency agreement requirements**

4. (1) A person who holds a fish buyer's licence or a fish processing licence issued under the Act and the *Fish Inspection Administrative Regulations* may only purchase a species of fish where the fish buyer's licence or fish processing licence, as the case may be, contains a specific authorization in relation to that species.

(2) Notwithstanding subsection (1), a licensed fish buyer or fish processor may purchase a species of fish that is not authorized under that person's licence where the purchase is made under an agency agreement with, and as an agent of, the holder of a fish processing licence that contains a specific authorization in relation to the species.

(3) An agency agreement referred to in subsection (2) shall be in writing in the approved form.

(4) A purchase referred to in subsection (2) shall be made by the agent in the name of the principal and receipted to the principal.

(5) The principal shall place a copy of the agency agreement on deposit with the department and each of the agent and the principal shall retain a copy of the agency agreement for inspection on the request of an inspector.

(6) A person who holds both a fish buyer's licence and a licence under [section 5](#) of the *Food Premises Regulations* shall not enter into an agency agreement under this section.

76/07 s4; 76/15 s3

### **Inspection**

#### **5. All**

- (a) fish;
- (b) containers and cartons of fish;
- (c) documentation related to such fish or containers and cartons of fish;
- (d) vehicles and establishments related to such fish or containers and cartons of fish; and
- (e) documentation related to the vehicles and establishments referred to in paragraph (d),

are subject to inspection by an inspector in accordance with the Act and these regulations.

76/07 s5

### **Inspectors**

**6.** (1) An inspector shall be furnished with an identification card and upon entering any place, establishment or vehicle for the purpose of conducting an inspection shall, if so required, produce the identification card to the person in charge of the place, establishment or vehicle.

(2) The owner of fish, an establishment or a vehicle and his or her agent, the person in charge of an establishment or vehicle and every person found in or on an establishment or vehicle shall

- (a) make readily available to an inspector, any fish, containers, cartons or documentation for which inspection or reinspection is required under the Act or the regulations; and
- (b) give an inspector all reasonable assistance to enable the inspector to exercise his or her powers and carry out his or her duties and functions under the Act and the regulations.

76/07 s6

### **Detention of fish**

**7.** (1) For the purpose of preserving the identity of fish, an inspector may detain the fish by attaching to the fish or to a container or carton 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) A person shall not alter, deface or remove or permit the alteration, defacement or removal of a tag attached to fish or a container or carton of fish detained under subsection (1) or move, sell or dispose of the fish or container or carton of fish unless he or she has obtained a release from an inspector.

(3) Notwithstanding subsection (2), where

(a) it is necessary for fish or a container or carton of fish referred to in that subsection to be moved from one location to another; or

(b) the owner of the fish or the owner of the establishment or vehicle where the fish is located at the time of detention or the carrier, where the fish or container is detained in or 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.

(4) Where an inspector permits fish or a container or carton of fish to be moved from one location to another under subsection (3), the detention shall be considered to continue notwithstanding that a tag affixed to the fish or container or carton of fish has been altered or removed to permit the movement of the fish or container or carton of fish.

76/07 s7

#### **Notice of detention**

**8.** (1) Where fish is detained under subsection 7(1), the inspector shall deliver or mail to the owner or his or her agent a notice of detention in writing in the approved form.

(2) Where fish is detained under subsection 7(1) in or on an establishment or vehicle owned or leased by a person who is not the owner of the fish or his or her agent, in addition to provision of the notice of detention to the owner of the fish as required under subsection (1), a copy of the notice of detention shall be delivered to the owner or lessee of the vehicle or establishment or his or her agent.

(3) [Rep. by 33/08 s1]

76/07 s8; 33/08 s1

#### **Length of detention**

**9.** (1) Fish or a container or carton of fish shall not be detained under these regulations for more than 45 days after the date of initial detention and shall be released thereafter unless seized under a warrant obtained under the Act.

(2) Notwithstanding subsection (1), where proceedings have been instituted in respect of a contravention of the Act or the regulations, the fish or container or carton of fish may be detained until the proceedings are concluded.

(3) Where an inspector is satisfied that the fish or the container or carton of fish detained under subsection 7(1) meets the requirements of the Act and the regulations, he or she shall promptly notify all parties concerned and prepare a notice of release in writing in the approved form and deliver or mail one copy of the notice of release to the owner of the fish or his or her agent and one copy to the person in or on whose establishment or vehicle the fish or container or carton of fish is located at the time of the release.

76/07 s9

## Notice

10. (1) For purposes of [sections 7, 8 and 9](#), where

- (a) the owner of the fish is not known, cannot be located or resides outside the jurisdiction;  
and
- (b) there is no known agent of the owner

the notice of detention or notice of release may be delivered to a person in charge of the fish or the establishment or vehicle where the fish is located.

(2) The delivery of a notice of detention or a notice of release under subsection (1) shall be considered to be delivery of the notice of detention or notice of release to the owner of the fish for purposes of these regulations.

76/07 s10; 33/08 s2

## Disposal of tainted, decomposed or unwholesome fish

11. An inspector may order the owner of fish that is tainted, decomposed or unwholesome to dispose of the fish in a manner approved by the inspector and under his or her direction and in a way that prevents the fish being marketed for human consumption.

76/07 s11

## Time limit for disposal

12. Where fish is to be disposed of under [section 11](#), it shall be disposed of within the time period specified by the inspector and, where no time period has been specified, within 30 days following inspection by the inspector.

76/07 s12

## Rep. by 33/08 s3

13. [Rep. by 33/08 s3]

33/08 s3

## Where owner unavailable

14. For purposes of [section 11](#) where

- (a) the owner of the fish is not known, cannot be located or resides outside the jurisdiction  
and has no known agent; or
- (b) as a result of urgent circumstances, it is impracticable to delay disposal of the fish until the owner is contacted,

the person in possession of the fish at the time shall be considered to be the owner of the fish for purposes of compliance with an order of the inspector.

76/07 s14; 33/08 s4

## PART II OPERATIONS AND MANAGEMENT

### **Duties of fish processor**

15. (1) The holder of a fish processing licence shall comply with

- (a) the minimum processing requirements applicable to an authorized species as set out in the Schedule or other alternative minimum processing requirements approved in writing in advance by the minister except where the minister has issued an exemption in writing; and
- (b) reporting requirements, including production records, established by the minister in the form and manner and at the frequency prescribed by the minister.

(2) For purposes of paragraph (1)(a), "authorized species" means a species that is authorized to be processed by the conditions, including any supplemental conditions, of the fish processing licence.

(3) A production record referred to in paragraph (1)(b) shall be retained by the holder of a fish processing licence for a period of not less than 5 years.

76/07 s15; 33/08 s5

### **Duties of fish buyer**

15.01 The holder of a fish buyer's licence shall comply with reporting requirements established by the minister in the form and manner and at the frequency prescribed by the minister.

76/15 s4

### **Limitation on 2J crab**

15.1 A person who is licensed to buy or process snow crab under the Act and the *Fish Inspection Administrative Regulations*, purchasing snow crab sourced from fish harvesters fishing in NAFO Area 2J, south of Latitude 54 °40', and landed in Newfoundland and Labrador, must transport the raw material to a licensed snow crab processing facility situated in Labrador and adjacent to NAFO Area 2J for processing, except where the minister has issued an exemption in writing.

33/08 s6

### **Marking of cartons and labels**

16. (1) A carton of fish for sale or label of a carton shall be correctly and legibly marked to indicate

- (a) the common name of the fish or fish product;
- (b) the weight, volume or count of declared contents in accordance with the *Fish Inspection Regulations* (Canada), another Act or an Act of the Parliament of Canada;
- (c) the name of the processor;
- (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;
- (e) the establishment in which the carton was packed;
- (f) the day, month and year of packing; and

- (g) in the case of live bivalve molluscs in the shell, the date of processing and the location from which the bivalve molluscs were harvested.
- (2) The information required to be marked on a carton or label of a carton under subsection (1) 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;
  - (b) the common name of the fish is in letters of equal height and prominence; and
  - (c) the required information indicates whether the product has been prepared
    - (i) by mincing, flaking or other special process,
    - (ii) from selected parts of fish, or
    - (iii) for dietetic use.

76/07 s16

### **Marking of master cartons**

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

76/07 s17

### **Exemption from marking**

**17.1** Sections 16 and 17 do not apply to a carton of fish, a label of a carton of fish and a master carton of fish for sale directly by a fish harvester in accordance with the Act and the regulations to either a person who holds both a fish buyer's licence and a licence under [section 5](#) of the *Food Premises Regulations* or an individual.

76/15 s5

## **PART III QUALITY ASSURANCE**

### **Restrictions on marketing**

- 18.** A person shall only market fish that
- (a) is not tainted, decomposed or unwholesome;
  - (b) has been washed or cleaned with an approved source of water;
  - (c) is free from foreign material;
  - (d) where appropriate, has been candled or otherwise treated to remove parasites;
  - (e) if canned, has been sterilized in accordance with regulations under the *Fish Inspection Act* (Canada); and
  - (f) complies with any additional requirements specified in these regulations.

### **Marketing of bivalve molluscs**

**19.** A person shall not market bivalve molluscs unless

- (a) the molluscs have been harvested from an area approved for that purpose by the Minister of Fisheries and Oceans (Canada );
- (b) the molluscs, 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;
- (c) that person maintains a record of all tags referred to in paragraph (b) which record is available for inspection by an inspector; and
- (d) the molluscs have been sampled and analyzed to monitor toxin levels in accordance with the protocols established and administered by the Canadian Food Inspection Agency.

### **Marketing of seals**

**20.** (1) Antioxidants 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) was bled immediately after killing by making an incision between the fore flippers and extending down the length of the abdominal cavity to allow the cavity to be opened to provide for proper bleeding;
- (b) was completely eviscerated during or following the bleeding process;
- (c) after evisceration and pelting did not come in direct contact with surfaces where contamination may occur; and
- (d) was 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.

### **Restrictions on purchase of lobster and turbot**

**21.** (1) The holder of a fish buyer's licence or a fish processing licence shall not purchase lobster that has been marked with a prominent V-shaped notch in the tail section for purposes of identification as an egg-producing lobster by the Department of Fisheries and Oceans (Canada).

(2) The holder of a fish buyer's licence or a fish processing licence may only purchase turbot intended for processing or marketing for human consumption that has been bled and gutted.

### **Restrictions on processing of fish**

22. A person shall not process fish that is tainted, decomposed or unwholesome and shall not process dead shellfish, except shrimp and squid.

76/07 s22

### **Standards for storage and transportation**

23. (1) Where fish or fish products are stored, held or transported,

- (a) a vehicle used to transport fish or fish products shall employ a system of containment, including insulated containers, vehicle bodies, boxes, tubs and barrels, tanks and other forms of conveyance acceptable to the minister, that is constructed and modified so as to prohibit the discharge of fluid and effluent associated with the holding, storage, and transport of fish or fish products;
- (b) the conveyance referred to in paragraph (a) shall provide protection against contamination and where applicable shall be secured with tight fitting covers using strapping or fasteners;
- (c) the fish and fish products shall be confined in a container or receptacle to prevent damage or its release; and
- (d) the conveyance and the system of containment referred to in paragraph (a) shall be
  - (i) free from defects,
  - (ii) watertight, and
  - (iii) cleaned before each trip and disinfected in the manner and frequency determined by an inspector.

(2) Where unprocessed fish intended for processing is stored, held or transported within the province, the fish shall be bled and gutted, where appropriate, and washed with an approved source of water to remove excess blood, slime and viscera prior to stowage.

76/15 s7

### **Storage before processing or marketing**

24. (1) Where fish intended for processing or marketing for human consumption is

- (a) on board a vehicle;
- (b) being transported; or
- (c) being held
  - (i) in a holding area or chill room, or
  - (ii) preparatory to entering the production line,

the fish shall be

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

- (e) 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;
- (f) in the case of fish other than shrimp, iced or chilled in a manner so as to maintain the temperature of the fish below 4 °C and in the case of shrimp, iced or chilled in a manner so as to maintain the temperature of the shrimp below 3 °C;
- (g) in the case of shrimp, stored in bags not to exceed 11.5 kilograms per bag or in 70-litre capacity stackable tote pans not to exceed 25 kilograms per tote pan;
- (h) in the case of crab, stored in 70-litre capacity stackable tote pans not to exceed 23 kilograms per tote pan; and
- (i) in the case of whelk, stored in bags not to exceed 18 kilograms per bag or stored in 70 litre capacity stackable tote pans not to exceed 20 kilograms per tote pan.

(2) A container referred to in paragraph (1)(e) 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.

(3) Paragraph (1)(e) does not apply to stowage in a refrigerated seawater or slush ice holding tank or a container for the bulk stowage of pelagics.

76/07 s24; 76/15 s8

### **Handling of fish**

25. (1) No person shall use a fork, gaff, tool or similar equipment or engage in a practice that could pierce, tear or otherwise damage or contaminate fish.

- (2) A person may use a vacuum pump that
  - (a) is constructed in a manner so that the surface of all components coming into contact with fish is smooth and made of non-corrodible material other than wood; and
  - (b) operates at a discharge rate that does not damage fish.
- (3) A vacuum pump shall be cleaned and disinfected before each use and before transport.

76/07 s25

### **Use of salt**

26. Where fish is salted or pickled

- (a) only clean fishery salt shall be used;
- (b) the fishery salt shall be stored in a cool, dry area away from direct sunlight and protected against contamination; and
- (c) fishery salt, once used, shall not be reused for salting or pickling.

76/07 s26

### **Use of ice**

27. Where fish is iced or chilled, only clean ice made from an approved source of water shall be used. and ice, once used, shall not be reused.

76/07 s27

### **Washing**

**28.** Fish shall be washed before processing where required by the type of processing operation that is conducted.

76/07 s28

## **PART IV SANITATION REQUIREMENTS**

### **Sanitation requirements while handling or processing**

**29.** (1) A person shall not smoke, spit, eat, chew gum or store food or other personal items or engage in other unsanitary practices in a place where fish is handled, processed, graded or stored.

(2) A person who is a known carrier of a disease that is likely to be transmitted through food or who is afflicted with an infected wound, skin infection, sore, diarrhoea or any communicable disease shall not engage in the handling or processing of fish if there is a possibility of contaminating the fish with pathogenic organisms.

(3) A person engaged in the handling or processing of fish shall not wear jewellery, fingernail polish or other personal adornment that could contaminate or become incorporated into the fish that is handled or processed.

76/07 s29

### **Animals**

**30.** A domestic animal is not permitted

- (a) on or in a vessel;
- (b) on or in any part of a vehicle, other than a vessel, where fish is handled, processed, graded or stored; or
- (c) on or in a place, other than a place referred to in paragraph (a) or (b), where fish is handled, processed, graded or stored.

76/07 s30

### **Cleaning equipment and material**

**31.** (1) Equipment and material used to clean and disinfect an establishment and processing equipment shall be provided in adequate quantities and conveniently located in an establishment.

(2) A product used to lubricate fish processing equipment or machinery and a product used for cleaning and disinfection of that equipment shall be clearly labelled as to use, stored in an appropriate location and used only by a person trained to use or apply it in a manner that prevents contamination of fish or contact surfaces.

(3) Equipment and material provided to clean and disinfect protective clothing and footwear such as handdips and footdips shall be provided in adequate quantities, conveniently located in processing areas and maintained and replenished as necessary.

76/07 s31

### **Protective clothing required**

**32.** (1) A person in an establishment shall wear protective clothing, such as coveralls, aprons, sleeves, smocks, hand coverings, hair nets or beard nets, that is in a clean and sound condition and where the person is an employee of the establishment, the protective clothing shall be suitable to the task that the employee is charged to perform.

(2) A person shall not enter a processing area unless he or she

(a) wears the protective clothing appropriate to the task that he or she is to perform;

(b) ensures that his or her footwear is clean and sanitary and, if appropriate, uses a footdip; and

(c) wears a hair net and, if appropriate, a beard net.

(3) A person in an establishment shall not

(a) handle or process fish unless he or she first washes his or her hands with single-service soap, washes or rinses his or her waterproof protective clothing, and disinfects his or her hands or hand coverings if either will come into direct contact with fish; or

(b) after leaving a production line, return to it unless he or she first performs the actions referred to in paragraph (a).

(4) Immediately upon leaving a processing area a person shall remove protective clothing and store it in a manner that prevents contamination.

76/07 s32

### **Pest control programs**

**33.** (1) A pest and animal control program acceptable to the minister shall be maintained in an establishment.

(2) Pest control and other animal control products shall be applied under supervision of a responsible operator using proper equipment and in a manner that prevents the contamination of fish, packaging and labelling materials and ingredients.

76/07 s33

### **Offal disposal**

**34.** (1) A receptacle for the effective disposal of fish offal shall be provided and a container in which offal is stored shall be.

(a) watertight and equipped with a well-fitted cover;

(b) constructed of metal or other material acceptable to the minister;

(c) clearly marked "For Offal Only" or similar wording or colour coded; and

(d) kept in sound condition for ease of cleaning and disinfection.

(2) Fish offal shall be

(a) collected in handling systems, receptacles or conveyances that are not used for the holding

or transport of fish intended for processing or marketing for human consumption;

- (b) disposed of or stored, before disposal, in a manner that will not attract insect and animal pests, allow the build-up of offensive odours or contaminate the area surrounding the establishment; and
- (c) removed from the establishment or grounds under the control of the operator of the establishment as frequently as necessary to maintain the sanitation of the establishment, and in no case less than once daily.

76/07 s34; 76/15 s9

### **Effluent disposal**

**35.** (1) Effluent and waste water shall be disposed of in a manner so that the waste is inaccessible to insect and animal pests and the water supply for the establishment does not become contaminated.

(2) A finfish processor operating within a 20 kilometre radius of a finfish farm site licensed under the *Aquaculture Act* is subject to the following requirements:

- (a) liquid waste effluent generated by or from the processing operation shall be collected in an approved containment system; and
- (b) liquid effluent shall be treated with an approved disinfectant and neutralized prior to release into the environment.

(3) A person shall not dispose of offal within a 20 kilometre radius of a finfish site licensed under the *Aquaculture Act* .

76/07 s35

### **Floors**

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

76/07 s36

### **Doors**

**37.** Doors into and out of a production area shall be kept closed and may be opened only when necessary to allow personnel, fish, equipment and other materials to enter or leave the production area unless air curtains or other devices that prevent the entry of insect and animal pests are in operation.

76/07 s37; 33/08 s7

### **Sanitation facilities**

**38.** Handwash and toilet facilities in an establishment shall be maintained in good operating order and be properly equipped with single-service towels or air dryers, single-service soap and toilet tissue, and all effluent and sewage shall be disposed of in accordance with local regulations or, where none exist, in a manner acceptable to the minister.

76/07 s38

### **Equipment and utensils**

**39.** (1) Equipment, including conveyor belts and tables, coming into contact with processed fish, other than packaged fish, shall be cleaned and disinfected at the end of each work shift by a method

acceptable to the minister.

(2) Utensils coming into contact with processed fish, other than packaged fish, shall be cleaned and disinfected at least once during each work shift and at the end of each work shift by a method acceptable to the minister and shall be air-dried and stored in a sanitary manner when not in use.

76/07 s39

### **Pallets**

**40.** (1) A person shall not use a wooden pallet in an establishment for a purpose other than

- (a) to handle or transport boxed or otherwise containerized raw material in a holding room; or
- (b) to transport ingredients, additives, packaging material, raw material, labels, semi-processed saltfish or packaged, boxed or otherwise containerized finished products into or out of a processing area.

(2) Notwithstanding subsection (1), a wooden pallet may be used for the press piling of saltfish if a barrier of material suitable for food contact is placed between the wooden pallet and the fish.

(3) A pallet shall be clean and maintained in a sound condition.

76/07 s40

### **Icing and chilling**

**41.** (1) Cold storages shall maintain the temperature of fish at  $-18^{\circ}\text{C}$  or colder.

(2) Frozen fish shall be handled and protected in an establishment to ensure that the temperature of the fish does not increase more than  $5.5^{\circ}\text{C}$  during the time the fish is

- (a) removed from cold storage and returned to it unless the frozen fish is thawed for further processing; or
- (b) placed on a conveyance equipped with cold-storage capability.

76/07 s41

### **Shellfish processing requirements**

**42.** (1) A vat in which shellfish are boiled shall be drained and cleaned at the end of each shift or, where considered necessary by an inspector, at shorter intervals.

(2) Shellfish shall be removed from the cooking vats immediately after they have been cooked.

(3) Where 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  $0^{\circ}\text{C}$  to  $1.7^{\circ}\text{C}$  and processed within 18 hours; or
- (b) frozen immediately and held at  $-18^{\circ}\text{C}$  or colder until further processed.

76/07 s42; 33/08 s8

## **Storage**

**43.** (1) Processed fish and fish intended for marketing for human consumption shall be stored in a manner and in a location that preserves its quality and safety.

(2) No odiferous or toxic substance shall be stored in a processing area or in an area where fish is marketed for human consumption.

(3) Unnecessary equipment and material shall not be stored in an area where fish is handled, processed, graded, stored or marketed for human consumption.

76/15 s10

## **Storage and handling of products and ingredients**

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

76/07 s44

## **Exterior areas**

**45.** (1) Areas in the immediate vicinity of an establishment and all exterior surfaces of an establishment where fish is processed shall be maintained in a clean condition and shall not be a source of contamination.

(2) Exterior walls, roofs, exterior stairways and walkways and windows and doors of an establishment shall be kept in good repair and maintained in a safe and sound condition to provide protection from weather, contamination and the entry of insect and animal pests.

(3) Grounds in proximity to an establishment that are under the control of an operator shall be kept clean, free of debris and unnecessary material and be maintained to minimize harbourage by insect and animal pests.

(4) An area where fish is loaded, unloaded or handled and other high traffic areas shall be paved with asphalt covered with concrete or other impervious material and equipped with appropriate drains.

(5) Material and equipment that is not being utilized in processing shall be stored in such a manner that they do not impair access to the plant or create a hazard to health and safety.

(6) Unnecessary equipment and material shall not be stored in an area where fish is handled, processed, graded or stored.

76/07 s45

## **PART V STORING, HANDLING AND TRANSPORTATION REQUIREMENTS FOR MAINTAINING FISH QUALITY ON VESSELS**

### **Application**

**46.** This Part applies to the owner and the operator of a vessel landing fish in the province.

76/07 s46

### **Fish holds, penboards and shelving**

47. For purposes of cleaning and sanitation, the maintenance of fish quality and protection of fish from contamination, fish holds, penboards and shelving shall be

- (a) made of smooth, non-absorbent, non-corrodible material; or
- (b) if made of wood, coated with a material that is smooth, non-absorbent and resistant to chipping,

and fish holds shall be constructed to provide adequate drainage to effectively remove ice melt water and ensure that fish and ice do not come into contact with bilge water or other source of contamination.

76/07 s47

### **Fish handling equipment**

48. (1) Fish handling equipment, including chutes, conveyors, fish washers, tables and utensils, shall be made of smooth, non-absorbent, non-corrodible material and constructed so as to facilitate cleaning and shall be sanitized after each use.

(2) Upon the discharge of fish from a vessel, equipment used in the handling of fish and fish boards, penboards and shelving shall be thoroughly cleaned with an approved source of water and disinfected.

76/07 s48

### **Storage**

49. Where fish is stored against bulkheads separating fish holds from the engine room or other quarters, the bulkheads shall be water tight and well insulated and the fish shall be stored in compliance with the temperature requirements of paragraph 24(1)(f).

76/07 s49

## **Schedule**

### **Minimum Processing Requirements**

The following minimum processing requirements apply to all fish intended for sale outside Newfoundland and Labrador :

<b>Species</b>	<b>Minimum Processed Forms</b>
Arctic Char, Dogfish, Salmon, Shark, Swordfish, Trout, Tuna	gutted
Billfish, Hagfish, Smelt	whole packaged in frozen form
Blackback Flounder	whole packaged
Capelin, Mackerel	salted and packed in a carton not to exceed 110 kilograms or whole packaged in frozen form
Clams, Cockle, Periwinkle,	shucked, whole packaged, or

Quahog	whole packaged in frozen form
Crab other than Snow Crab	cooked and meat extracted
Eel	live or whole packaged in frozen form
Fish Roe (all species)	salted
Greysole	whole packaged
Groundfish (all species other than Blackback Flounder, Greysole, Halibut, Monkfish, Redfish (Ocean Perch), Turbot and Yellowtail Flounder)	filleted or split and salted
Halibut	head on gutted and packaged
Herring	salted and packed in a carton not to exceed 110 kilograms or whole packaged in frozen form or whole fresh in bulk during the period April 15 to June 15, and November 1 to December 31
Lobster	live
Monkfish	head on gutted with stomach tube attached and in frozen form
Mussels	washed, declumped, and graded
Redfish (Ocean Perch)	whole packaged
Scallop	shucked
Sea Cucumber	gutted and packaged in frozen form
Sea Urchin	gonads removed from 75% of all raw material purchases
Seal	meat, oil or pelts tanned to meet specifications for final end use
Shrimp	cooked and peeled
Snow Crab	sectioned or whole cooked and 10% of all raw material purchases in a calendar year to be processed into one or more of the following forms: (i) individually scored "snap and eat" leg segments; (ii) cap on or cap off cocktail claws (iii) 907 gram consumer packs; (iv) meat removed from shell; or (v) other value added form as approved by the minister
Squid	whole packaged in frozen form

Turbot	head on gutted and packaged in frozen form
Whelk	whole frozen
Yellowtail Flounder	for each fish that is less than 380 grams, whole packaged in frozen form or for each fish that is 380 grams or more, filleted

94/15 s1; 65/19 s1