



Français

Food Safety and Quality Act, 2001

ONTARIO REGULATION 465/19

FISH PROCESSING

No amendments.

This is the English version of a bilingual regulation.

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PART I
INTERPRETATION

Interpretation

1. In this Regulation,

“consumer” means an individual who obtains a fish product for the purpose of consumption by themselves or others and does not intend to resell it or barter or trade it for consideration; (“consommateur”)

“contaminated” means,

(a) in respect of food,

- (i) containing or having been treated with or exposed to a substance not permitted by or in an amount in excess of limits prescribed under the *Canadian Environmental Protection Act, 1999* (Canada), the *Food and Drugs Act* (Canada) or the *Pest Control Products Act* (Canada),
- (ii) containing or having been treated with or exposed to an ingredient, a food additive or any source of ionizing radiation not permitted by or in excess of limits prescribed under the *Food and Drugs Act* (Canada),
- (iii) containing or having on it any decomposed matter, foreign matter or visible extraneous material, or
- (iv) containing or having been exposed to a biological, chemical or physical agent or factor that may cause a fish product to be unsafe for human consumption, or

(b) in respect of water, packaging material or any other substance or thing, or a condition of fish processing premises, equipment, utensils or conveyances, containing or having been exposed to a biological, chemical or physical agent or factor that may cause a fish product to be unsafe for human consumption,

and “contamination” has a corresponding meaning; (“contaminé, contamination”)

“fish processing operation” means an operation that processes or packages fish products at a fish processing plant; (“exploitation de transformation des poissons”)

“fish processing plant” means a structure, boat, vehicle or vessel where a fish processing operation operates; (“usine de transformation des poissons”)

“fish processing premises” means a fish processing plant and the land on which the plant is located; (“site de transformation des poissons”)

“fish product” means fish, or any food that contains fish, but does not include,

- (a) food that contains fish if the amount of fish contained constitutes 25 per cent or less of the product, by weight, unless the food is a ready-to-eat fish product that contains raw fish,
- (b) fish or any food that contains fish that is used to make a product, other than a ready-to-eat fish product that contains raw fish, described in clause (a), or

(c) food that contains both fish and meat if that food is regulated under Ontario Regulation 31/05 (Meat) made under the Act; (“produit de poisson”)

“food animal” has the same meaning as in section 1 of the *Safe Food for Canadians Regulations* (Canada); (“animal pour alimentation humaine”)

“hand washing station” means a station that has,

- (a) hot and cold running potable water,
- (b) a soap dispenser containing liquid or other dispensable soap,
- (c) a method for hand drying that minimizes the risk of contamination of fish products, ingredients, labelling materials and packaging materials, and
- (d) a posted notice instructing users to clean their hands with soap and water; (“poste de lavage des mains”)

“high risk inedible material” means inedible material that contains dangerous residues of chemicals, drugs or diseases that are difficult to destroy; (“matière non comestible à risque élevé”)

“inedible material” means any ingredient or any product that contains fish that is not intended, suitable or permitted under this Regulation to be distributed for human consumption; (“matière non comestible”)

“ingredient” means any food or substance that is or that is intended to be a component part of a fish product; (“ingrédient”)

“meat plant” means,

- (a) a meat plant that requires a licence under Ontario Regulation 31/05,
- (b) a meat plant that holds a licence under Ontario Regulation 31/05, or
- (c) an establishment that is identified in a licence issued under the *Safe Food for Canadians Act* (Canada), if that licence is for activities relating to a meat product or food animal; (“établissement de transformation des viandes”)

“meat product” has the same meaning as in section 1 of the *Safe Food for Canadians Regulations* (Canada); (“produit de viande”)

“modified atmosphere packaging” means a packaging technique that alters the proportion of gases within a package of a fish product; (“conditionnement sous atmosphère modifiée”)

“non-potable water” means water that is not required to meet the standards established under Ontario Regulation 169/03 (Ontario Drinking Water Quality Standards) made under the *Safe Drinking Water Act, 2002*; (“eau non potable”)

“non-potable water system” means a system that supplies non-potable water; (“réseau d’eau non potable”)

“operator” means a person who has responsibility for or control over a fish processing operation; (“exploitant”)

“potable water” means water that is required to meet the standards established under Ontario Regulation 169/03; (“eau potable”)

“potable water system” means a system that supplies potable water; (“réseau d’eau potable”)

“Procedure for Disinfection of Drinking Water in Ontario” has the same meaning as in subsection 1 (1) of Ontario Regulation 170/03 (Drinking Water Systems) made under the *Safe Drinking Water Act, 2002*; (“Marche à suivre pour désinfecter l’eau potable en Ontario”)

“processing”, when used with respect to a fish product, means,

- (a) boning, canning, coating, comminution, cooking, cooling, curing, cutting, dehydrating, emulsifying, eviscerating, fabricating, fermenting, filleting, freezing, heating, icing, marinating, pasteurizing, pickling, refrigerating, rinsing, salting, seasoning, slicing, smoking and thermal processing,
- (b) reprocessing of previously processed fish products, and
- (c) any other activity performed to prepare a fish product for use as food; (“transformation”)

“ready-to-eat fish product” means a fish product that does not require any cooking, heating, processing or preparation to make it safe; (“produit de poisson prêt à manger”)

“safe” in respect of a fish product or ingredient, means safe for human consumption and not likely to cause illness or harm. (“salubre”)

PART II GENERAL

Regulatable activity

2. For the purposes of paragraph 6 of the definition of “regulatable activity” in section 2 of the Act, the holding in possession for sale of food, agricultural or aquatic commodities or agricultural inputs is a regulatable activity.

Exemption, direct distribution to consumers

3. This Regulation does not apply with respect to a fish processing operation operating at a fish processing plant if all fish products processed or packaged at the plant by the operation are,

- (a) processed or packaged for persons who are consumers; or
- (b) sold, offered for sale or transferred, with respect to ownership, to persons who are consumers.

Exemption, federally regulated operators

4. (1) This Regulation does not apply to any activity undertaken in relation to the processing or packaging of any fish or any food that contains fish by a fish processing operation at a fish processing plant if the activity is a prescribed activity under the *Safe Food for Canadians Act* (Canada) and is conducted by a person who holds a licence in respect of fish or food that contains fish under that Act.

(2) Subsection (1) does not apply to any activity undertaken in relation to the processing or packaging of any fish or any food that contains fish,

- (a) that has been separated by physical or other effective means from the food regulated under the *Safe Food for Canadians Act* (Canada); and
- (b) that is intended for distribution or sale only in Ontario.

(3) For the purposes of this section,

“fish” has the same meaning as in section 1 of the *Safe Food for Canadians Regulations* (Canada); (“poisson”)

“food” has the same meaning as in section 1 of the *Safe Food for Canadians Regulations* (Canada). (“aliment”)

Restrictions

5. (1) No operator, employee or contractor of a fish processing operation in respect of which a licence is required under this Regulation shall sell, offer for sale, hold in possession for sale, transport or distribute any fish product processed, packaged, labelled, stored or handled at a fish processing plant that is intended for human consumption if the fish product is contaminated.

(2) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that no employee or contractor of the operation sells, offers for sale, holds in possession for sale, transports or distributes any fish product described in subsection (1).

PART III LICENSING

Licensed activities

6. (1) On and after January 1, 2021, the following are licensed activities to which section 4 of the Act applies:

1. Any activity undertaken in relation to processing or packaging a ready-to-eat fish product, unless the product is,
 - i. processed or packaged only for persons who are consumers; or
 - ii. sold, offered for sale or otherwise transferred, with respect to ownership, only to persons who are consumers.
2. Any activity undertaken in relation to packaging a fish product, using modified atmosphere packaging or vacuum packaging, unless the product is,
 - i. packaged only for persons who are consumers; or

ii. sold, offered for sale or otherwise transferred, with respect to ownership, only to persons who are consumers.

3. The processing of a fish product in a fish processing plant if the plant is also a meat plant.

(2) On and after January 1, 2020, an operator may apply for the issuance of a licence for any activity referred to in subsection (1) that is carried on by the fish processing operation at a fish processing plant by submitting the following information to a director:

1. The legal name, business mailing address, business email address, if any, and business telephone number, if any, of the operator.
2. The legal name, business mailing address, business email address, if any, and business telephone number, if any, of the owner of the fish processing plant.
3. The name and business telephone number or business email address of the contact person for the fish processing operation.
4. The business name of the fish processing operation, if one is registered under the *Business Names Act*.
5. The location and identification of the property on which the fish processing plant is located.
6. The fish processing operation's schedule of operation for the current calendar year, including the daily start and end time and days and periods when the operation is closed.
7. Information regarding whether the fish processing plant is a meat plant.
8. A list of the following:
 - i. Any ready-to-eat fish products processed or packaged by the fish processing operation.
 - ii. Any fish products packaged by the fish processing operation using modified atmosphere packaging or vacuum packaging.
 - iii. Any other fish products processed by the fish processing operation.
9. A detailed and to-scale sketch of the layout of the fish processing plant that clearly shows the following:
 - i. The location and dimensions of all rooms and an indication of whether they are refrigerated.
 - ii. Any interior walls, partitions, interior and exterior doors, interior doorways, windows and ramps.
 - iii. Any equipment on the floor, including refrigerators.
 - iv. Any equipment mounted on walls and ceilings.
10. The identification of every potable and non-potable water system that supplies water to the fish processing plant and is used by the fish processing operation.
11. The identification of at least one supervisor who works at the fish processing operation and meets the training requirements set out under subsection 50 (2).
12. The pattern of fish product and ingredient flow in the fish processing plant in the fish processing operation's normal course of operations.
13. The pattern of employee movement in the fish processing plant in the fish processing operation's normal course of operations.
14. The pattern of movement of inedible materials and waste in the fish processing plant in the fish processing operation's normal course of operations.
15. The pattern of movement of chemicals, labelling materials and packaging materials in the fish processing plant in the fish processing operation's normal course of operations.
16. The pattern of movement of air in the fish processing plant in the fish processing operation's normal course of operations.

17. All information and documents that a director requires for the purpose of determining whether the application meets the requirements of the Act and the regulations.
 18. Payment of the fee, if any, required by a regulation made by the Minister under clause 52 (a) of the Act.
 19. Subject to subsection 8 (2), the results of the water testing referred to in subsection 8 (1).
- (3) The operator shall notify a director in writing of any change to the information provided under paragraphs 1 to 17 of subsection (2) within 30 days of the change.
- (4) If, after being issued a licence, an exemption set out under section 3 or 4 applies, the operator shall notify the director in writing of the exemption within 30 days after the day the exemption applies.
- (5) A person who operates a fish processing operation in the same fish processing plant in which a licensed activity is carried on by another fish processing operation is not required to hold a licence if that person's operation does not itself engage in any licenced activities.

Notice required of significant change to fish processing premises

7. (1) If a proposed change to a fish processing premises requires a building permit, any operator who holds a licence to carry on a licenced activity at the fish processing plant on the premises shall give notice of the proposed change to a director in accordance with subsection (2) at least 30 days before the change is made.

(2) The notice referred to in subsection (1) shall be in a form approved by a director and shall contain:

1. The legal name and the address of the operator.
2. The business address of the fish processing plant.
3. A description of the proposed change and the nature of the regulated activities to be carried out at the location that would be affected by the change.

(3) If, after receiving a notice under subsection (1), a director requires any additional information to be provided in order to determine if the proposed change complies with this Regulation, the operator shall provide the additional information.

Testing of potable water

8. (1) Subject to subsection (2), every operator who applies for the issuance of a licence under subsection 6 (2) shall ensure that the water that will be used by the fish processing operation at the fish processing plant from a potable water system identified under paragraph 10 of subsection 6 (2),

(a) has been tested in accordance with subsections (4) to (6) within 30 days prior to applying for a licence under subsection 6 (2); and

(b) meets the microbiological standards for potable water set out in Schedule 1 to Ontario Regulation 169/03 (Ontario Drinking Water Quality Standards), made under the *Safe Drinking Water Act, 2002*.

(2) Subsection (1) and paragraph 19 of subsection 6 (2) do not apply with respect to a potable water system if that system is used by both a meat plant referred to in clause (b) of the definition of "meat plant" in section 1 and a fish processing operation.

(3) Every operator who has been issued a licence shall ensure that water is not used by the fish processing operation at the fish processing plant from a potable water system that was not identified under paragraph 10 of subsection 6 (2) unless,

(a) the water has been tested in accordance with subsections (4) to (6) within 30 days prior to using the water;

(b) the water meets the microbiological standards for potable water set out in Schedule 1 to Ontario Regulation 169/03; and

(c) the director has received the results of the testing.

(4) Any samples taken for the purpose of testing water from the potable water system shall be taken from a fixture that is used for a purpose related to the processing, packaging, labelling, storing or handling of fish products, ingredients, labelling materials or packaging materials.

(5) The water from the potable water system must be tested,

(a) by a person who holds a drinking water testing licence within the meaning of the *Safe Drinking Water Act, 2002*, authorizing the person to conduct the tests referred to in subsections (1) and (3) at the laboratory specified in the licence; or

(b) at a laboratory located outside Ontario that is an eligible laboratory under subsection 11 (4) of the *Safe Drinking Water Act, 2002* and that is authorized to conduct the tests referred to in subsections (1) and (3).

(6) An operator of a fish processing operation shall ensure that any samples taken for the purpose of testing water from the potable water system are handled in accordance with the directions of the laboratory to which the sample will be delivered for testing.

No issuance

9. (1) For the purposes of clause 5 (1) (a) of the Act, a director may refuse to issue a licence to an operator if the director is of the opinion that the past conduct of any of the following persons affords reasonable grounds to believe that the operator will not carry on, in accordance with the law, the regulated activities for which the operator is applying for the licence:

1. Persons who have or may have a beneficial interest in the operation.
2. Persons who exercise or may exercise control either directly or indirectly over the operation.
3. Persons who have provided or may have provided financing either directly or indirectly to the operation.

(2) For the purposes of clause 5 (1) (b) of the Act, a director may refuse to issue a licence to an operator if the director is of the opinion that,

- (a) the operator has not submitted all of the information required under subsection 6 (2) and paid the required fee, if any; or
- (b) the operator does not or will not have access to the fish processing premises, equipment and water necessary to operate the fish processing operation in accordance with this Regulation.

(3) For the purposes of clause 6 (1) (c) of the Act, a director may suspend or revoke a licence issued under the Act to engage in a licensed activity referred to in subsection 6 (1) of this Regulation if the director is of the opinion that one or more of the following grounds exist:

1. The fish processing premises, equipment or water used by the licensee do not comply with requirements set out in this Regulation.
2. The past or present conduct of the licensee or, if the licensee is a corporation, of its officers, its directors or any of the persons specified in subsection (1), affords reasonable grounds to believe that the licensee will not carry on the licensed activities in accordance with the law.
3. The licensee has not paid in full any costs that the licensee is required to pay under section 51 of the Act.
4. The licensee is unlikely to carry out licensed activities at the fish processing plant.
5. The licensee has not carried out licensed activities at the fish processing plant for 24 consecutive months.
6. The licensee has consented to the suspension or revocation of the licence.

Conditions of licences

10. (1) For the purposes of subsection 5 (4) of the Act, a licence issued under the Act to engage in a licensed activity referred to in subsection 6 (1) of this Regulation is subject to the following conditions:

1. The licensee shall comply with the Act, this Regulation and every order or direction of a director or an inspector made under the Act.
2. The licensee shall ensure that the operation of the fish processing plant used by the fish processing operation is carried on in accordance with this Regulation and every order or direction of a director or inspector made under the Act.
3. Subject to section 11, the licence is not transferable.
4. Any other conditions a director considers necessary for the purposes of the Act.

(2) If a director adds, deletes or varies any conditions the director has imposed on a licence, the addition, deletion or variation is effective upon the licensee receiving written notice of the change from the director.

Transfer of licences

11. (1) Subject to subsection (2), a licensee may apply for and a director shall approve a transfer of a licence if the licensee,

- (a) submits an application in a form approved by a director; and
- (b) pays any transfer fee required by a regulation made by the Minister under clause 52 (a) of the Act.

(2) A transfer shall not be approved by a director if the director is of the opinion that the person who would receive the licence would not be eligible for the issuance of a licence for any of the reasons described in clauses 5 (1) (a), (b) and (c) of the Act or subsection 9 (1) or (2) of this Regulation.

Time to respond

12. (1) The prescribed time within which an applicant or licensee may request a hearing by a director is,

- (a) with respect to an applicant referred to in subsection 5 (2) of the Act, 21 days after the day on which the applicant is served with the relevant notice; and
- (b) with respect to a licensee referred to in subsection 6 (2), (4) or 9 (3) of the Act, 10 days after the day on which the licensee is served with the relevant notice.

(2) The prescribed time within which a person who was an applicant or licensee may request a rehearing by a director under subsection 8 (2) of the Act is 10 days after the day on which the person is served with the notice described to in clause 8 (2) (a) of the Act.

(3) The prescribed time within which an applicant or licensee may appeal a director's decision to the Tribunal under subsection 10 (1) of the Act is 15 days after the day on which the person receives notice of the decision.

(4) The prescribed time within which a person may require a hearing under subsection 33 (1) of the Act or a party may appeal a director's decision or order under subsection 35 (1) of the Act is 10 days after the day on which the person or party is served with the relevant notice.

Licence number and labelling

13. (1) A director shall issue a licence number with respect to each licence issued under the Act to engage in a licensed activity referred to in subsection 6 (1).

(2) A fish processing operation may include the licence number referred to in subsection (1) on the labelling material or packaging material for a fish product if the operation puts the final packaging material on the fish product.

(3) No labelling material or packaging material for a fish product may contain any wording or representations that are false, misleading or deceptive.

PART IV FISH PROCESSING PLANTS AND EQUIPMENT

Responsibility of operator

14. The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that the operation only engages in regulatable activities at the fish processing plant in respect of which the licence was issued if it meets the requirements set out under this Part.

Location

15. (1) A fish processing plant must be,

- (a) readily accessible; and
- (b) free of debris, refuse and other things or conditions that may interfere with its hygienic operation or are likely to contaminate fish products, ingredients, labelling materials or packaging materials.

(2) Subject to subsection (3), a fish processing plant must not be located in close proximity to any place where,

- (a) activities are performed that are incompatible with the hygienic operation of the plant; or
 - (b) things or conditions exist that are likely to contaminate fish products, ingredients, labelling materials or packaging materials at the plant.
- (3) Subsection (2) does not apply if appropriate controls are in place to address the activities, things or conditions referred to in clause (2) (a) or (b), as the case may be.

Design and construction

16. (1) A fish processing plant must be designed, constructed and equipped in a manner that,

- (a) minimizes the risk of contamination of fish products, ingredients, labelling materials and packaging materials during processing, packaging, labelling, handling, shipping, receiving and storage, as the case may be;
 - (b) allows for inspectors to effectively perform their functions and duties;
 - (c) allows for incompatible activities to be done at different times or in separate areas;
 - (d) allows good manufacturing practices to be followed;
 - (e) allows for and withstands repeated cleaning and sanitizing;
 - (f) protects against the entry of pests;
 - (g) provides heating, cooling, ventilation and plumbing systems that are adequate to meet the requirements of the activities carried out at the plant; and
 - (h) allows a fish processing operation to be operated in compliance with this Regulation.
- (2) A room or space used or intended to be used as a dwelling must not form part of or open directly into a fish processing plant.
- (3) A fish processing plant must be constructed of materials that are suitable for their intended purpose and are unlikely to contaminate fish products, ingredients, labelling materials and packaging materials.

Drainage and sewage systems

17. (1) A fish processing plant must have an effective system for effluent removal and disposal.

- (2) The system for effluent removal must effectively prevent accumulation of solids and the pooling of liquids.
- (3) The system for effluent removal must minimize the risk of contamination of the fish processing plant, its equipment, utensils and potable water system and of any fish products, ingredients, labelling materials and packaging materials.
- (4) All sinks and drains in a fish processing plant must be properly equipped and maintained to minimize the risk of contamination of the plant.

Lighting

18. A fish processing plant must be equipped with fixed or portable sources of lighting that,

- (a) are adequate in intensity to facilitate the hygienic operation of the plant and the hygienic processing, packaging, labelling, handling and storing of fish products, ingredients, labelling materials and packaging materials;
- (b) are protected in such a way as to prevent contamination of fish products, ingredients, labelling materials and packaging materials; and
- (c) do not distort the colour or other appearance of fish products or ingredients.

Facilities for inspectors

19. A fish processing plant must have facilities for inspectors that are adequate to allow for the effective performance of the inspection activities carried on at the plant.

Hand washing stations

20. With respect to every area in a fish processing plant where fish products or ingredients are processed, handled, packaged, labelled, stored, shipped or received, or where inedible materials or refuse are handled or stored, there must be convenient access to a hand washing station.

Washroom facilities

21. (1) A fish processing plant must have access to at least one washroom that is in good working order and that is available for the use of employees and any inspectors present at the plant.

(2) Any washroom that is located within the fish processing plant must be,

- (a) equipped with at least one toilet;
- (b) equipped with at least one hand washing station;
- (c) enclosed by floor to ceiling walls and full-length doors;
- (d) equipped with stalls that are capable of being locked from the inside or, if the washroom only has one toilet, a door that is capable of being locked from the inside;
- (e) designed, constructed and equipped in such a way so that it is capable of being kept clean, sanitary and ventilated to the outside of the plant; and
- (f) located to minimize the risk of contamination of fish products, ingredients labelling materials and packaging materials.

(3) A fish processing plant must have an area for the hygienic storage of clothing outside of the washroom.

Changing areas

22. A fish processing plant must have a changing area available for any person who enters an area of the plant where fish products and ingredients are processed, packaged, labelled, handled or stored that,

- (a) is capable of being kept clean and sanitary;
- (b) is lit and ventilated;
- (c) is located in a separate room or in an area that is separate from the area where fish products, ingredients, labelling materials and packaging materials are processed, packaged, labelled, handled or stored, as the case may be; and
- (d) is equipped with such furnishings and subject to such operational procedures that minimize the risk of clothing and personal belongings contaminating fish products, ingredients, labelling materials and packaging materials.

Cleaning and sanitizing

23. (1) A fish processing plant must be adequately equipped for the effective cleaning and sanitizing of the plant and any equipment and utensils.

(2) A fish processing plant must have adequate storage for cleaning equipment that minimizes the risk of contamination of fish products, ingredients, labelling materials and packaging materials.

Refrigeration and freezing

24. If there are fish products that are required to be refrigerated or frozen, the fish processing plant must have a separate area equipped with refrigeration and freezing facilities for the storage of those products.

Equipment

25. (1) Equipment used in a fish processing plant must be designed, constructed, located, installed and calibrated in a manner that facilitates the hygienic operation of the plant and the hygienic processing, labelling, packaging, storing and handling of fish products and ingredients.

(2) Equipment and utensils used in a fish processing plant to process, package, label, store or handle fish products and ingredients must be,

- (a) effective for their intended purpose;
 - (b) free of constituents that may contaminate fish products, ingredients, labelling materials and packaging materials;
 - (c) capable of being effectively cleaned and sanitized;
 - (d) durable; and
 - (e) accessible for cleaning, servicing and inspection or easily disassembled for those purposes.
- (3) Equipment used at a fish processing plant to cook, heat, treat, refrigerate or freeze a fish product must be designed and maintained so that it is effective in achieving any standards or temperatures that are required by this Regulation.
- (4) A fish processing plant must have appropriate equipment and utensils for storing, packaging, handling and disposing of solid waste and inedible material in a manner that minimizes the risk of contamination of fish products, ingredients, labelling materials and packaging materials.

PART V

WATER USED AT FISH PROCESSING PLANTS

Responsibility of operator

26. The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that the operation only uses water, ice or steam at a fish processing plant if the requirements set out under this Part are met with respect to,

- (a) the fish processing plant in respect of which the licence was issued;
- (b) the use, reuse, disinfection, treatment and testing of water, ice or steam, as the case may be; and
- (c) any other requirements relating to water, ice or steam used by the fish processing operation at the plant.

Potable water

27. (1) A fish processing plant must have a potable water system to supply the fish processing operation with potable hot and cold running water that is protected from contamination and available at all times the plant is in operation.

- (2) Subject to section 28, the potable water from the system referred to in subsection (1) must be used at the plant at all times.
- (3) If requested by an inspector or a director, the operator shall ensure that the potable water supply used by the fish processing operation is sampled and tested in accordance with subsection (4) and subsections 8 (4) and (6) and the results are provided to the inspector or director, as the case may be.
- (4) The water from the potable water system must be tested,
- (a) by a person who holds a drinking water testing licence within the meaning of the *Safe Drinking Water Act, 2002*, authorizing the person to conduct the tests specified by the inspector at the laboratory specified in the licence; or
 - (b) at a laboratory located outside Ontario that is an eligible laboratory under subsection 11 (4) of the *Safe Drinking Water Act, 2002* and is authorized to conduct the tests specified by the inspector.

Non-potable water

28. (1) In addition to a potable water system, a fish processing operation may also be supplied with water from a non-potable water system if,

- (a) the piping of the non-potable water system is not connected to the piping of the potable water system and is identified by permanent, distinct and easily recognized markings;
- (b) no outlet from the non-potable water system is located where it can discharge into,
 - (i) a sink or lavatory,
 - (ii) a fixture into which an outlet from the potable water system discharges, or
 - (iii) a fixture that is used for a purpose related to the processing, packaging, labelling, storing or handling of fish products, ingredients, labelling materials or packaging materials; and

(c) the water from the non-potable system is used or reused in accordance with subsection (2).

(2) Non-potable water may only be used or reused at a fish processing plant if the water is,

- (a) used or reused exclusively for extinguishing a fire;
- (b) used for purposes unrelated to fish processing and in a manner that will not contaminate a fish product, ingredient, labelling material or packaging material; or
- (c) reused in compliance with an approval issued under section 34.

Standards for water used

29. (1) All water used by a fish processing operation must be,

- (a) adequate in quantity and pressure for the activity for which the water is used;
- (b) handled, stored and distributed in a manner that minimizes the risk of contamination of the water; and
- (c) at a temperature appropriate for the activity for which the water is used.

(2) All ice used by a fish processing operation must be,

- (a) made with potable water;
- (b) not contaminated;
- (c) handled and stored in a manner that minimizes the risk of contamination of the ice; and
- (d) adequate in quantity for the activity for which it is used.

(3) All steam used by a fish processing operation must be,

- (a) generated from potable water;
- (b) not contaminated;
- (c) handled in a manner that minimizes risk of contamination of the steam; and
- (d) adequate in pressure for the purpose for which it is used.

Disinfection of water

30. (1) All water to be used as potable water by a fish processing operation and that is not from one of the following sources must be disinfected using water disinfection equipment that is designed and constructed to be capable of achieving, at all times, primary disinfection in accordance with the Procedure for Disinfection of Drinking Water in Ontario:

1. A drinking water system that is already providing disinfection pursuant to Ontario Regulation 170/03 (Drinking Water Systems) made under the *Safe Drinking Water Act, 2002*.
2. A drinking water system that is already providing disinfection pursuant to Ontario Regulation 319/08 (Small Drinking Water Systems) made under the *Health Protection and Promotion Act*.

(2) If potable water supplied to the fish processing operation is from a system described in paragraph 1 or 2 of subsection (1), the owner of that system shall, upon request of a director, provide to the director any of the information that section 12 of Ontario Regulation 170/03 requires the owner to make available for inspection.

Operation of equipment

31. Any water disinfection or water treatment equipment used by a fish processing operation must be operated and maintained in accordance with the manufacturer's instructions.

Testing by inspector

32. In order to determine if the potable water used by a fish processing operation meets the standards established under Ontario Regulation 169/03 (Ontario Drinking Water Quality Standards) made under the *Safe Drinking Water Act, 2002*, an inspector may, at the risk and expense of the operator, take samples of the water supplied to or used at the plant and have the samples tested,

- (a) by a person who holds a drinking water testing licence within the meaning of the *Safe Drinking Water Act, 2002*, authorizing the person to conduct the tests specified by the inspector at the laboratory specified in the licence; or
- (b) at a laboratory located outside Ontario that is an eligible laboratory under subsection 11 (4) of the *Safe Drinking Water Act, 2002* and that is authorized to conduct the tests specified by the inspector.

Notice of remedial steps

33. The operator of a fish processing operation shall inform an inspector, if there is one on the fish processing premises, and a director immediately upon being notified or otherwise becoming aware in any of the following ways that the potable water system referred to in subsection 27 (1) may not be providing potable water:

1. Being notified to use an alternate source of drinking water or to bring water to a rapid rolling boil for at least one minute before use, if the notice is given by:
 - i. The owner of a drinking water system or the operating authority for the system under Schedule 17 or 18 to Ontario Regulation 170/03 (Drinking Water Systems) made under the *Safe Drinking Water Act, 2002*.
 - ii. The owner or operator of a drinking water system under Ontario Regulation 319/08 (Small Drinking Water Systems) made under the *Health Protection and Promotion Act*.
2. Receiving an order under section 13 of the *Health Protection and Promotion Act* to use an alternate source of drinking water or to bring water to a rapid rolling boil for at least one minute before use.
3. Becoming aware of an advisory to use an alternate source of drinking water or to bring water to a rapid rolling boil for at least one minute before use that applies in the area where the plant is located.

Reuse of water

34. (1) The operator of a fish processing operation shall ensure that no water is reused by the operation unless a director is satisfied that the reuse of water will not contaminate fish products, ingredients, labelling materials or packaging materials and has approved the reuse in writing.

(2) The director may attach conditions to an approval given under subsection (1) if the conditions relate to minimizing the risk of contamination of fish products, ingredients, labelling materials or packaging materials from the reuse of water and the operator shall comply with the conditions.

(3) If the director provides written approval to reuse water, the reused water may be non-potable if the director is satisfied that using non-potable water will not contaminate fish products, ingredients, labelling materials or packaging materials and indicates in the approval that the reused water may be non-potable.

(4) The director may revoke an approval to reuse water if the director is no longer satisfied that the reuse will not contaminate fish products, ingredients, labelling materials or packaging materials.

PART VI OPERATION OF FISH PROCESSING PLANTS

Operation

35. The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that every area of a fish processing plant used by the operation is operated and maintained in a manner that,

- (a) facilitates the hygienic processing, packaging, labelling, handling, shipping, receiving and storing of fish products, ingredients, labelling materials and packaging materials;
- (b) allows for inspectors to effectively perform their functions and duties;
- (c) allows for incompatible activities to be done at different times or in separate areas;
- (d) allows for good manufacturing practices to be followed;
- (e) allows for effective cleaning and sanitization;

- (f) allows for fish products, ingredients, inedible materials, labelling materials and packaging materials to flow in a pattern that minimizes the risk of contamination of fish products, ingredients, labelling materials and packaging materials;
- (g) protects against the entry of pests; and
- (h) complies with this Regulation.

Presence of other animals

36. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that no animal shall be in any room or area of the fish processing plant used by the operation, except for,

- (a) an animal to be processed in compliance with the Act or the *Safe Food for Canadians Act* (Canada); or
- (b) subject to subsection (2), a service animal for a person with a disability, described in subsection 80.45 (4) of Ontario Regulation 191/11 (Integrated Accessibility Standards) made under the *Accessibility for Ontarians with Disabilities Act, 2005*.

(2) Despite clause (1) (b), service animals are not allowed in any area where fish products are processed, packaged, shipped, received or labelled or any area where fish products, ingredients, labelling materials or packaging materials are stored or handled.

Fish processing premises and equipment

37. The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that the fish processing premises, equipment and utensils used by the operation are maintained and operated in a way that minimizes the risk of contamination of fish products, ingredients, labelling materials and packaging materials.

Maintenance

38. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that a written maintenance program is developed, implemented and monitored and that the program,

- (a) includes effective procedures to monitor and maintain the fish processing premises, equipment and utensils used by the operation;
- (b) includes the schedules for the maintenance referred to in clause (a); and
- (c) is updated as needed.

(2) The operator shall ensure that the maintenance and monitoring procedures referred to in clause (1) (a) are performed in a way that minimizes the risk of contamination of the fish processing premises, equipment, utensils, fish products, ingredients, labelling materials and packaging materials.

(3) The operator shall ensure that on each day the maintenance or monitoring procedures referred to in clause (1) (a) are performed, a record is created that includes,

- (a) the date the procedure was performed;
- (b) the type of maintenance that was done or any monitoring procedures that were performed, as the case may be; and
- (c) the results of the maintenance or monitoring, as the case may be.

(4) The operator shall ensure that every record created under subsection (3),

- (a) is kept for at least one year from the date the record is created; and
- (b) is readily accessible.

Pest control

39. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that a written pest control program is developed, implemented and monitored and that the program,

- (a) includes effective procedures to monitor and minimize the risk of contamination by pests; and
- (b) is updated as needed.

(2) The operator shall ensure that the pest control procedures referred to in clause (1) (a) are performed in a way that minimizes the risk of contamination of the fish processing premises, equipment, utensils, fish products, ingredients, labelling materials and packaging materials.

(3) The operator shall ensure that on each day the pest control procedures referred to in clause (1) (a) are performed, a record is created that includes,

- (a) the date the pest control procedure was performed;
- (b) the type of procedure that was performed; and
- (c) the results of the procedure.

(4) The operator shall ensure that every record created under subsection (3),

- (a) is kept for at least one year from the date the record is created; and
- (b) is readily accessible.

Chemicals and other materials

40. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that all materials and chemicals used by the operation are stored and used in a way that minimizes the risk of contamination of the fish processing premises, equipment, utensils, fish products, ingredients, labelling materials and packaging materials.

(2) The operator shall ensure that all chemicals used by the operation are accurately labelled.

(3) The operator shall ensure that all chemicals used by the operation are used in accordance with the manufacturer's instructions.

Sanitation program

41. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that a written sanitation program is developed, implemented and monitored and that the program,

- (a) includes effective procedures to clean and sanitize the fish processing plant, equipment, utensils and food contact surfaces used by the operation;
- (b) includes cleaning and sanitation schedules; and
- (c) is updated as needed.

(2) The operator shall ensure that the cleaning and sanitizing procedures referred to in clause (1) (a) are performed in a way that minimizes the risk of contamination of the fish processing premises, equipment, utensils, fish products, ingredients, labelling materials and packaging materials.

(3) The operator shall ensure that on each day the cleaning or sanitation activities referred to in subsection (1) are performed, a record is created that includes,

- (a) the date the activity was performed;
- (b) the type of activity that was performed; and
- (c) the results of the activity.

(4) The operator shall ensure that every record created under subsection (3),

- (a) is kept for at least one year from the date the record is created; and
- (b) is readily accessible.

Cleaning and sanitizing

42. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that the fish processing plant, equipment, utensils and food contact surfaces are cleaned and sanitized for the start of each working day.

- (2) The operator shall ensure that the equipment, utensils and food contact surfaces that have become contaminated are effectively cleaned and sanitized in a way that minimizes the risk of contamination of fish products, ingredients, labelling materials and packaging materials.
- (3) The operator shall ensure that equipment and utensils used in connection with inedible material is,
- (a) effectively cleaned and sanitized prior to entering any area where the equipment and utensils may contaminate fish products, ingredients, labelling materials and packaging materials; and
 - (b) kept in good repair.
- (4) The operator shall ensure that the utensils used in connection with inedible material are,
- (a) marked to indicate their intended use and not used for any other purpose;
 - (b) kept in good repair; and
 - (c) kept in a storage area provided for that purpose.
- (5) The operator shall ensure that any equipment that is used to clean and sanitize a room, equipment or utensils is handled, maintained and stored in a way that minimizes the risk of contamination of fish products, ingredients, labelling materials and packaging materials.

Temperature and humidity

43. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that fish products and ingredients are kept at a temperature and humidity that keeps them safe during processing, packaging, labelling, storing and handling.

(2) The operator shall ensure that the temperature of every refrigerator used for the cooling or storage of fish products is maintained at 4 degrees Celsius or lower.

(3) The operator shall ensure that the temperature of every freezer used for the freezing or storage of fish products is maintained at a temperature that will keep the products frozen.

(4) The operator shall ensure that the temperature and humidity of every room in the fish processing plant used by the operation where fish products are received, processed, packaged, labelled, shipped, stored or handled are controlled to prevent the contamination of fish products, ingredients, labelling materials and packaging materials.

Returned fish products

44. The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that any of the operation's fish products that are returned to the fish processing plant are identified as "returned fish products" and stored in such a way,

- (a) that they can be easily examined; and
- (b) that the risk of contamination of other fish products, ingredients, labelling materials and packaging materials is minimized.

PART VII RECALL OF FISH PRODUCTS

Recall of fish products

45. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall develop and implement a written plan with respect to the recall of fish products to ensure the timely and effective recall of any fish product distributed by the operation.

(2) The operator shall periodically evaluate the effectiveness of the recall plan required under subsection (1), including whether fish products can be effectively identified and recalled in a timely manner.

(3) If a periodic evaluation required under subsection (2) determines that the recall plan does not provide for the timely and effective identification and recall of fish products, the operator shall immediately,

- (a) amend the recall plan; and
- (b) evaluate the effectiveness of the amended recall plan, including whether fish products can be effectively identified and recalled in a timely manner.

PART VIII INEDIBLE MATERIALS

Inedible material

46. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that,

- (a) if any inedible material could be mistaken for a fish product or ingredient, it is treated to give it an appearance or character so that it cannot be mistaken for food; and
- (b) if any packaging is put on inedible material, the packaging clearly and legibly provides,
 - (i) that the contents are not intended for human consumption,
 - (ii) a description of the contents, and
 - (iii) the legal name of the operator and address of the fish processing plant where the inedible material came from.

(2) The operator shall ensure that,

- (a) high risk inedible material is disposed of by a method of disposal approved by a director; and
- (b) the director is notified in writing that the high risk material has been disposed of by the end of the business day following the day on which the material was disposed of.

(3) The operator shall ensure that on each day an inedible material is removed or disposed of, a record is created that includes the method and date of the removal or disposal, as the case may be.

(4) The operator shall ensure that every record created under subsection (3),

- (a) is kept for at least one year from the date the record is created; and
- (b) is readily accessible.

(5) The operator shall ensure that, if inedible material is being processed, handled, stored, labelled or removed by the fish processing operation, procedures are developed and implemented for the processing, handling, storage, labelling or removal of those materials to minimize the risk of those materials contaminating fish products, ingredients, labelling materials and packaging materials at the fish processing plant and shall ensure that those procedures are updated as needed.

PART IX PERSONNEL AT FISH PROCESSING PLANTS

Personal hygiene and sanitary practices

47. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that every person engaged in the processing, packaging, labelling, handling or storing of fish products, ingredients, labelling materials or packaging materials washes their hands thoroughly with soap and water,

- (a) as frequently as is necessary to minimize the risk of contamination of fish products, ingredients, labelling materials and packaging materials;
- (b) before exiting a washroom; and
- (c) before or immediately upon entering an area of the fish processing plant where fish products, ingredients, labelling materials or packaging materials are processed, packaged, labelled, handled or stored, as the case may be.

(2) The operator shall ensure that if a person has a condition, and it is likely to contaminate fish products, ingredients, labelling materials or packaging materials, the person shall not engage in the processing, packaging, labelling, storing or handling of fish products, ingredients, labelling materials or packaging materials.

(3) No person who is engaged in the fish processing operation's processing, packaging, labelling, handling, shipping, receiving or storing of fish products, ingredients, labelling materials or packaging materials shall,

(a) engage in any activity, behaviour or practice that poses a risk of contaminating the fish products, ingredients, labelling materials or packaging materials; or

(b) wear an object or use a substance that poses a risk of falling into or otherwise contaminating the fish products, ingredients, labelling materials or packaging materials, unless effective steps are taken to mitigate that risk.

(4) The operator shall ensure that any person who is in any room or area of the fish processing plant used by the fish processing operation where a fish product, ingredient, labelling material or packaging material is exposed,

(a) wears a sanitary hair covering, including a beard covering if applicable; and

(b) wears clean footwear and, if necessary to protect the fish product, ingredient, labelling material or packaging material from contamination, uses a footwear dip or other method to effectively clean and sanitize the footwear.

Gloves and clothing

48. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that every person engaged in the handling of exposed ready-to-eat fish products wears gloves that are sound, clean, sanitary and suitable for their intended purpose.

(2) The operator shall ensure that if a person engaged in the processing, packaging, labelling, handling or storing of fish products, ingredients, labelling materials or packaging materials at the fish processing plant wears gloves, the gloves are sound, clean, sanitary and suitable for their intended purpose.

(3) The operator shall ensure that every person engaged in the processing, packaging, labelling, handling or storing of fish products, ingredients, labelling materials or packaging materials at the fish processing plant wears clean and sanitary clothing in order to minimize the risk of contamination of the fish products, ingredients, labelling materials and packaging materials.

Movement of persons

49. The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that,

(a) access to the fish processing plant used by the operation is controlled to minimize the risk of contamination of fish products, ingredients, labelling materials and packaging materials; and

(b) the pattern of employee movement in the normal course of operation of the plant minimizes the risk of contamination of fish products, ingredients, labelling materials and packaging materials.

Training and supervision

50. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that all employees of the operation are trained and competent to perform their duties.

(2) The operator shall ensure that at any time the fish processing operation engages in a regulated activity, there is at least one supervisor present who has completed food safety training,

(a) provided by a local board of health;

(b) provided by an agency of a board of health; or

(c) in a formal course or program that is acceptable to a director.

PART X
CONTROLS AND STANDARDS

Processing controls

51. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that written process control procedures are developed, implemented and monitored to effectively identify any risk of contamination of fish products, ingredients, labelling materials and packaging materials and to prevent, eliminate or minimize any identified risk.

(2) The operator shall ensure that at the time the process control procedures referred to in subsection (1) are performed and monitored, a record is created that includes,

- (a) the date the procedure was performed and monitored;
- (b) the results of the monitoring, including any deviations from the process control procedures; and
- (c) the actions taken in response to any deviations from the process control procedures, including disposing of the fish product or taking measures to produce a safe fish product.

(3) The operator shall ensure that the process control procedures referred to in subsection (1),

- (a) are reviewed as needed in order to,
 - (i) evaluate whether the procedures are being properly implemented, and
 - (ii) verify the effectiveness of the implemented procedures with respect to producing a safe fish product; and
- (b) are updated as needed.

(4) The operator shall ensure that at the time a review referred to in clause (3) (a) is undertaken, a record is created that includes,

- (a) the date the review was performed; and
- (b) the results of the review.

(5) The operator shall ensure that every record created under this section,

- (a) is kept for at least one year from the date the record is created; and
- (b) is readily accessible.

Processing standards

52. The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that any regulatable activities engaged in by the operation are performed in a manner that minimizes the risk of contamination of fish products, ingredients, labelling materials and packaging materials and produces fish products that are safe.

Recipes

53. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that an up-to-date recipe is maintained in written form for each fish product prepared by the operation.

(2) The operator shall ensure that each recipe referred to in subsection (1) is,

- (a) legible;
- (b) complete;
- (c) includes the percentage by weight of fish in the final product;
- (d) includes the processing instructions; and
- (e) is readily accessible.

(3) The operator shall ensure that each fish product referred to in subsection (1) is prepared in accordance with its corresponding recipe.

Labelling and packaging

54. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that every fish product that is packaged or repackaged by the operation has a label that provides the production date of the product or a code that identifies the production lot of the product.

(2) The operator shall ensure that every label required by this Regulation is legible to any person under normal or customary conditions of sale or use of the product.

(3) The operator shall ensure that with respect to a fish product that is not a ready-to-eat fish product but has the appearance of or could be mistaken for a ready-to-eat fish product, the labelling or packaging materials used for the product,

(a) state that the product requires cooking before consumption; and

(b) include comprehensive cooking instructions.

(4) The operator shall ensure that with respect to a fish product that requires refrigeration or freezing, any labelling or packaging materials used for the product state that the product requires refrigeration or freezing, as the case may be.

(5) The operator shall ensure that all labelling materials and packaging materials are,

(a) durable and suitable for their intended purpose; and

(b) stored and handled in a manner that minimizes the risk of their contamination.

Storage

55. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that fish products, ingredients, labelling materials and packaging materials involved in any regulatable activities engaged in by the operation are,

(a) stored and handled in a manner that minimizes the risk of contamination;

(b) stored at a temperature of 4 degrees Celsius or less, if they must be refrigerated; and

(c) are kept frozen, if they must be frozen.

(2) With respect to the ingredients referred to in subsection (1),

(a) each ingredient must be labelled to indicate the name of the ingredient and, if the ingredient is comprised of more than one component, a list of the components; and

(b) if an ingredient's packaging contains instructions for use, those instructions must be kept at the fish processing plant and readily available to the employees of the operation.

Product standards

56. The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that every fish product processed, labelled or packaged by the operation is,

(a) processed, packaged, labelled or stored in accordance with this Regulation; and

(b) safe.

**PART XI
RECEIVING AND SHIPPING****Receiving**

57. The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that any fish products, ingredients, labelling materials and packaging materials received by the operation at the fish processing plant are received in a manner that protects them against contamination.

Shipping

58. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that any fish products that are shipped from the fish processing plant by the operation are shipped in a transport container that is clean and protects the fish products against contamination.

(2) The operator shall ensure that any fish products that require temperature control and that are shipped from the plant by the operation are shipped in a transport container that,

- (a) maintains the fish product at a temperature of 4 degrees Celsius or less, if it requires refrigeration; and
- (b) keeps the fish product frozen, if it requires freezing.

Distribution records

59. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall ensure that on each day a fish product is shipped from the fish processing plant, a record of the shipment is created that would allow for an effective recall.

(2) Subject to subsection (3), the operator shall ensure that every record created under subsection (1) is kept,

- (a) for at least one year from the date the record is created; and
- (b) if the shelf life of the fish product to which the record relates is longer than one year, for at least as long as the shelf life of the product.

(3) The operator shall ensure that every record created under subsection (1) is readily accessible.

Notice of defective shipping

60. (1) The operator of a fish processing operation in respect of which a licence is required under this Regulation shall immediately notify a director upon receiving information that indicates a fish product that was distributed from the plant by the operation,

- (a) may not have been processed, packaged, labelled, handled, shipped or stored in accordance with this Regulation; or
- (b) may not be safe.

(2) The notice referred to in subsection (1) must include the following information:

1. A description of the fish product that may be affected.
2. A description of how the fish product may not have been processed, packaged, labelled, handled, shipped or stored in accordance with this Regulation, if applicable.
3. A description of how the fish product may not be safe, if applicable.
4. The quantity of the fish product that may be affected.

**PART XII
RECORDS****Records**

61. Any records required to be created and stored under this Regulation must be legible, complete and kept in chronological order.

PART XIII (OMITTED)

62. OMITTED (REVOKES OTHER REGULATIONS).

63. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

Français

