



POLICY MANUAL

FISH PROCESSING AND BUYERS LICENSING



CANADA

Fisheries and
Communities

Fish Processing and Buyers Licensing Policy Manual

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1. Introduction

This manual provides direction on requirements, process and assessment relating to Fish Processing licensing within Prince Edward Island (PEI). The issuance or denial of licensing will be pursuant to government legislation and applicable policies. It is the applicant's responsibility to comply with all governmental and regulatory requirements. Please note that completed details of licensing requirements can be found within the *Fisheries Act*, R.S.P.E.I. 1988, Cap. F-13.01 and *Fish Inspection Act*, R.S.P.E.I. 1988, Cap. F-13 along with the corresponding regulations.

Many PEI fish processors export out of province, and as such, are licensed both federally and provincially. Fish processors which are not exporting and, therefore, sell only within PEI may only require provincial license. Processors with solely a provincial license can purchase fish directly from the harvester, but must sell all products within PEI.

1.1 Authorities

Fisheries Act

<https://www.princeedwardisland.ca/sites/default/files/legislation/F-13-01-Fisheries%20Act.pdf>,
January 1, 2016

Fisheries Act Regulations

<https://www.princeedwardisland.ca/sites/default/files/legislation/F%2613-01G-Fisheries%20Act%20Regulations.pdf>,
April 26, 2014.

Fish Inspection Act

<https://www.princeedwardisland.ca/sites/default/files/legislation/F-13-Fish%20Inspection%20Act.pdf>,
November 1, 2003

Fish Inspection Act Regulations

<https://www.princeedwardisland.ca/sites/default/files/legislation/F%2613G-Fish%20Inspection%20Act%20Regulations.pdf>,
February 1, 2004

1.2 Definitions

The definitions provided below are terms used within the context of the manual. In addition to these terms, definitions outlined within the *Fisheries Act Regulations* and *Fish Inspection Act Regulations* will apply. Any additional undefined terms will have the common meaning apply.

Industry refers to the seafood industry as a whole, including but not limited to, capture fishery and aquaculture, along with buyers, sellers, manufacturers, processors and any other preparation associated with fish.

Lobster Cookroom means a building or portion of a building used for cooking lobster (*Fisheries Act Regulations*, 2014).

Primary Processing means cleaning, filleting, splitting, shucking, extracting, dividing into portions, salting, icing, freezing, cooking, pickling, drying, canning, bottling or reducing fish. It **does not** include lobster cookroom processing or groundfish processing room processing (*Fisheries Act Regulations*, 2014).

Processing includes cleaning, filleting, icing, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish for market in any other manner (*Fish Inspection Act Regulations*, 2004).

Secondary processing means any processing stage beyond primary processing, whereby further value is added to a fish product by transforming the taste or texture of the fish product by adding ingredients, other than salt or water (*Fisheries Act Regulations*, 2014).

1.3 Objectives

The objectives of this policy are as follows:

- Ensure that all fish processing meet the food production standards which align with the *Fish Inspection Act* Regulations
- Advance development of new products and expand species
- Support gathering information from industry to clearly understand compliance
- Encourage long-term commitment and investment in the economy of PEI
- Strengthen relationships between government and industry, through open communication
- Support further processing fish or fish products to increase the value-add of products
- Ensure health and safety of seafood products to consumers
- Maintain integrity of the seafood industry

2. License Issuance

2.1. Application process

An applicant may apply for a Fish Processors License and/or a Fish Buyers License by completing the applications forms which are available through the Government of Prince Edward Island website (<https://www.princeedwardisland.ca/en/topic/marine-fisheries-and-seafood-services>).

1. Applications for re-issuance of a primary processing license will be considered under 6(3) of the *Fisheries Act* Regulations.
2. Any applicable municipal, provincial and/or federal permits and approvals must be in place and remain valid in order to obtain a Fish Processors or Fish Buyers License.

2.2 Approval And Denial Process

- A License Review Committee consists of four members representing stakeholders and the Department.
- The Committee considers applications and provides advice to the Minister to approve, deny, or hold the application for further review.
- An applicant, or an existing license holder, will be advised of the outcome of the application, either verbally or in writing, and when necessary, an inspection will be scheduled.
- All licenses expire annually on Dec 31st and must be renewed annually.
- Buyers licenses for lobster must be renewed at a minimum of 30 days prior to opening day, in order to be eligible to purchase on opening day.
- Licenses are issued following a site visit and inspection to ensure adherence to the requirements of the *Fisheries and Fish Inspection Acts* and Regulations.

2.3 Minister role

The Minister will:

- Review all recommendations provided by the Committee
- Make a final decision
- Provide the decision to the Committee to have the applicant informed of the outcome

*The Minister may revoke, cancel or suspend a license or class of license for any violation of a provision of the *Fisheries Act* Regulations.

2.4 Statistical Requirements

An annual statistical overview of industry will be available through the Department and Statistics Canada for the preceding year. The Department will generate and collaborate with DFO to ensure data accuracy. The Department may use the reported data to develop programs and create training and educational programs to sustain and improve the industry.

2.4.1 Collection Of Data

In order to fully monitor all fish processing in PEI and create policy and procedures appropriately, statistics must be supplied by license holders. The following is required of all license holders:

- a) Monthly production must be tracked by license holders and provided annually with the application renewal forms.
- b) For lobster buying, purchasing statistics are required to be submitted weekly, per the *Fisheries Act* Lobster Marketing Levy Regulations.
- c) Additional production and employment information may be requested by the Department throughout the year.
- d) Data can be entered in the standardized form to submit to the Department located at:

<https://www.princeedwardisland.ca/en/topic/marine-fisheries-and-seafood-services>

- e) In certain instances, if the required information is not received by a specific deadline, a license may be denied, suspended, revoked or cancelled.
- f) Statistical data provided by a fish processor, buyer or pedlar will be treated confidentially, and used in summary form for shared reporting.

3. Fish Processing Licenses

3.1 General

- A Fish Processors License may be issued in order to process fish or fish products on PEI.
- License fees, as set out in the regulations require payment prior to issuance or renewal of licenses.
- License fees vary by category:
 - Primary processing license \$200
 - Secondary processing license \$200
 - Lobster cook room license \$75
 - Groundfish processing license \$75
- Fish Processors License may be issued for the species outlined in Schedule A.

- No person shall begin processing any crabs or lobsters that are not alive.
- An active licensed fish processing facility must be in compliance with *Fish Inspection Act* Regulations and the *Fisheries Act* Regulations.

3.2 Change Of Operator

Fish processing facilities may be sold to a new operator. A fish processing license is non-transferable. Therefore, in the event of a change of ownership, the new owner is required to complete a new Fish Processor Application, complete with a business plan, in order for the Licensing Review Committee to determine the new owner's ability to operate within the requirements of the regulations.

3.3 Processing Licenses

3.3.1 Primary Processing License

- The Primary Processing License specifies species and product forms which can be processed within the specified facility.
- A Primary Processing License permits both primary and secondary fish processing.

3.3.2 Secondary Processing License

- The Secondary Processing License specifies species and product forms which can be processed within the specified facility.
- The Secondary Processing License applies only to processing beyond the primary stage, and adds further value to the product. A secondary license does not permit primary processing.

3.3.3 Lobster Cookroom

- A Lobster Cookroom Processing License requires the license holder to operate a lobster cookroom which does not exceed 144 square feet.

3.3.4 Groundfish Processing License

- A Groundfish Processing License requires the license holder to operate a processing establishment which does not exceed 750 square feet.

4. Fish Buyers Licences

4.1. General

- A Fish Buyers License may be issued to a person or corporation in order to purchase the species listed in Schedule A.
- Holders of a Fish Buyers License may purchase fish directly from PEI harvesters.
- Fish Buyers licenses are issued annually at a fee of \$50 per species per location.
- A Letter of Approval from each Harbour Authority must be supplied.
- Only vehicles inspected and approved by Provincial Fish Inspectors may be utilized for buying or transporting fish.
- For lobster buying, purchasing statistics are required to be submitted weekly.

4.2 Classes Of License

- Lobster;
- Other crustaceans;
- Groundfish;
- Molluscs;
- Pelagic; and
- Other fish

Schedule A: Eligible Species for Processing as of January 2018

Crustaceans	Groundfish	Pelagic Fish	Mollusc	Other
Lobster Rock Crab Snow Crab Spider Crab King Crab Jonah Crab Other Crab	Halibut Flounder Other Groundfish	Mackerel Herring Tuna Smelts Eels Gaspereau Silversides Other Pelagic	Mussels Oysters Bar Clams Quahaugs Scallops Softshell Clams Whelks Urchins Other Mollusc	Irish Moss Furcellaria Other Flora

Schedule B: Application Check List

[Current as of: May 16, 2019]

Check List For Fish Processor License Applications

- Completed Application Form
- Payment
 - Primary processing license \$200
 - Secondary processing license \$200
 - Lobster cook room license \$75
 - Groundfish processing license \$75
- Statistics from previous year
- Business Plan (may be required)
- Canadian Food Inspection Agency registration number (may be required)

Check List For Fish Buyers License Applications

- Completed Application Form
- Harbour Authority Approval
- Payment per species per location:
 - Lobster \$50
 - Other Crustaceans \$50
 - Groundfish \$50
 - Pelagic \$50
 - Mollusc \$50
 - Other \$50
- Statistics from previous year

Schedule C: Business Plans

[Current as of: May 16, 2019]

An applicant, or an existing license holder, may be required to submit a business plan for a Processing License.

The business plan could include, but is not limited to, the following:

- Organization Description – Structure and relevant history or experience***
- Industry analysis – SWOT (Strengths, Weaknesses, Opportunities, Threats)***
- Sales and Marketing Plan***
- Human Resource Plan***
- Management Plan – Key staff members/personnel***
- Products and Services***
- Operations Plan***
- Critical Risks***
- Financial Plan – 2 year projections***
- Food Safety Plan***
- Canadian Food Inspection Agency registration number***

REFERENCE DOCUMENTS

The *Fisheries Act* and *Fish Inspection Act*, along with their corresponding regulations are available on the Department's website, found at princeedwardisland.ca.

Clear guidelines are provided within the schedules of the *Fish Inspection Act* Regulations:

Schedule A: Construction & Equipment Requirements for Establishments

Schedule B: Operating Requirements for Establishments

Schedule C: Requirements for Boats Used for Fishing or Transporting Fish for Processing

Schedule D: Requirements for Establishments Storing Frozen Fish

Schedule E: Operating Requirements for the Storage and Transportation of Fish for Resale or Processing

Schedule F: Facilities Requirements for Fish Buyers



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