



THE NEWFOUNDLAND AND LABRADOR GAZETTE

EXTRAORDINARY

Part II

PUBLISHED BY AUTHORITY

ST. JOHN'S, TUESDAY, SEPTEMBER 29, 2015

**NEWFOUNDLAND AND LABRADOR
REGULATIONS**

NLR 75/15

NLR 76/15

NLR 77/15

NLR 78/15



**NEWFOUNDLAND AND LABRADOR
REGULATION 75/15**

Fish Inspection Administrative Regulations (Amendment)
under the
Fish Inspection Act
(O.C. 2015-190)

(Filed September 29, 2015)

Under the authority of subsection 4(1) of the *Fish Inspection Act*,
the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, September 28, 2015.

Julia Mullaley
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|---|---|
| 1. S.4 Amdt.
Licence not required | 3. S.17 Amdt.
Administrative penalty |
| 2. S.4.1 Added
Restriction on direct sales | |

NLR 74/07
as amended

1. (1) Section 4 of the *Fish Inspection Administrative Regulations* is amended by renumbering it as subsection 4(1).

(2) Subsection 4(1) of the regulations is amended by adding immediately after paragraph (a) the following:

(a.1) a fish harvester selling the following fish, which shall be from his or her catch and caught in accordance with his or her commercial fishing licence issued under the *Fisheries Act* (Canada) and regulations under that Act, directly to an individual at an establishment:

- (i) fresh finfish,
- (ii) live crustaceans,
- (iii) seal meat,
- (iv) shucked scallops, or
- (v) squid;

(a.2) a fish harvester filleting finfish for the purpose of selling it or offering to sell it in accordance with paragraph (a.1);

(3) Paragraph 4(1)(c) of the regulations is repealed and the following substituted:

- (c) an individual purchasing fish for personal consumption and not for resale directly from
- (i) a fish processor who is licensed under the Act and the regulations,
 - (ii) a person licensed under section 5 of the *Food Premises Regulations*, or
 - (iii) a person referred to in paragraph (d);

(4) Subsection 4(1) of the regulations is amended by adding immediately after paragraph (c) the following:

- (c.1) an individual purchasing the following fish for personal consumption and not for resale directly from a fish harvester:
- (i) fresh finfish,

- (ii) live crustaceans,
- (iii) seal meat,
- (iv) shucked scallops, or
- (v) squid;

2. The regulations are amended by adding immediately after section 4 the following:

Restriction on direct sales

4.1 A direct sale between a fish harvester and 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 shall take place at an establishment and shall not take place from a vehicle or by means of door-to-door sales.

3. Subsection 17(2) of the regulations is repealed and the following substituted:

(2) Where the holder of a fish processing licence fails to file a report as required by section 15 of the *Fish Inspection Operations Regulations* or the holder of a fish buyer's licence fails to file a report as required by section 15.01 of the *Fish Inspection Operations Regulations*, the minister may order that person to pay to the government of the province a penalty of \$100 per day for each day or part thereof that the report is not filed to a maximum of \$20,000.

©Queen's Printer



**NEWFOUNDLAND AND LABRADOR
REGULATION 76/15**

Fish Inspection Operations Regulations (Amendment)
under the
Fish Inspection Act

(Filed September 29, 2015)

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

Dated at St. John's, September 28, 2015.

Vaughn Granter
Minister of Fisheries and Aquaculture

REGULATIONS

Analysis

- | | |
|--|--|
| 1. S.2 Amdt.
Interpretation | 6. S.21 Amdt.
Restrictions on purchase of
lobster and turbot |
| 2. S.3 Amdt.
Establishment requirements | 7. S.23 R&S
Standards for storage and
transportation |
| 3. S.4 Amdt.
Agency agreement
requirements | 8. S.24 Amdt.
Storage before processing or
marketing |
| 4. S.15.01 Added
Duties of fish buyer | 9. S.34 Amdt.
Offal disposal |
| 5. S.17.1 Added
Exemption from marking | 10. S.43 R&S
Storage |

NLR 76/07
as amended

1. Subsection 2(1) of the *Fish Inspection Operations Regulations* is amended by adding immediately after paragraph (a) the following:

- (a.1) "approved source of water" means water from a source acceptable to the minister;

2. Paragraph 3(3)(a) of the regulations is repealed and the following substituted:

- (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);

3. Section 4 of the regulations is amended by adding immediately after subsection (5) the following:

- (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.

4. The regulations are amended by adding immediately after section 15 the following:

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.

5. The regulations are amended by adding immediately after section 17 the following:

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.

6. Subsection 21(2) of the regulations is repealed and the following substituted:

(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.

7. Section 23 of the regulations is repealed and the following substituted:

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.

8. Subsection 24(1) of the regulations is repealed and the following substituted:

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° and in the case of shrimp, iced or chilled in a manner so as to maintain the temperature of the shrimp below 3°;

- (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.

9. Paragraph 34(2)(a) of the regulations is repealed and the following substituted:

- (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;

10. Section 43 of the regulations is repealed and the following substituted:

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.

©Queen's Printer



NEWFOUNDLAND AND LABRADOR REGULATION 77/15

Fish Inspection Ticket Offences Regulations (Amendment)
under the
Fish Inspection Act
(O.C. 2015-191)

(Filed September 29, 2015)

Under the authority of paragraph 4(1)(e.1) of the *Fish Inspection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, September 28, 2015.

Julia Mullaley
Clerk of the Executive Council

REGULATIONS

Analysis

1. S.3 R&S
Subsequent offences
2. Sch. Amdt.

NLR 22/08
as amended

1. Section 3 of the *Fish Inspection Ticket Offences Regulations* is repealed and the following substituted:

Subsequent
offences

3. With respect to those provisions referred to in the Schedule a person shall be considered to be convicted of a second, third or subsequent offence when convicted of an offence within 12 months of the date of the last conviction for the same offence under those regulations.

2. The Schedule to the regulations is amended by adding immediately after the last row the following:

3(1)	Fish Inspection Administrative Regulations	Person selling fish without a licence	300	400	500
3(2)	Fish Inspection Administrative Regulations	Person buying or attempting to buy fish without a licence	300	400	500
3(3)	Fish Inspection Administrative Regulations	Fish harvester processing fish without a licence	300	400	500
4.1	Fish Inspection Administrative Regulations	Fish harvester selling fish from vehicle or door-to-door	300	400	500

©Queen's Printer



**NEWFOUNDLAND AND LABRADOR
REGULATION 78/15**

Food Premises Regulations (Amendment)
under the
Food Premises Act

(Filed September 29, 2015)

Under the authority of section 18 of the *Food Premises Act*, I make the following regulations.

Dated at St. John's, September 28, 2015.

Steve Kent
Minister of Health and Community Services

REGULATIONS

Analysis

1. S.3 R&S
Application

CNLR 1022/96
as amended

1. Section 3 of the *Food Premises Regulations* is repealed and the following substituted:

Application

3. The Act and these regulations apply to all food premises except
 - (a) boarding houses and bed and breakfast operations that provide meals only for overnight guests;
 - (b) farms selling only their own farm products in the form of honey, unprocessed fruits, vegetables and grains;

- (c) the home based food preparation industry where the end product does not contain meat, fish, dairy or egg products, or where those dairy or egg products are used in baked or other goods which have low moisture or high sugar or salt content which inhibits the growth of disease supporting microbes, provided they meet standard health guidelines of the department;
- (d) temporary facilities or not for profit organizations provided they meet standard health guidelines of the department;
- (e) vending machines, provided they meet standard health guidelines of the department;
- (f) drinking establishments licensed under the *Liquor Control Act* where they only sell non-hazardous foods from their original containers and drinks in glasses or other containers, provided that those drinking establishments meet the requirements of paragraphs 6(b) and (c) and sections 7, 23, 25, 26, 28, 29 and 30 of these regulations; and
- (g) establishments as defined in the *Fish Inspection Act* when used by a fish harvester to fillet, sell or offer to sell fish in accordance with paragraphs 4(1)(a.1) and (a.2) of the *Fish Inspection Administrative Regulations*.

©Queen's Printer

Extraordinary Gazette Index

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	XNL Gazette Date & Page No.
Fish Inspection Act			
Fish Inspection Administrative Regulations (Amdt)	NLR 75/15	Amends NLR 74/07 S.4 Amdt. S.4.1 Added S.17 Amdt.	Sept 29/15 p. 3
Fish Inspection Operations Regulations (Amdt)	NLR 76/15	Amends NLR 76/07 S.2 Amdt. S.3 Added S.4 Amdt. S.15.01 Added S.17.1 Added S.21 Amdt. S.23 R&S S.24 Added S.34 Amdt. S.43 R&S	Sept 29/15 p. 7
Fish Inspection Ticket Offences Regulations (Amdt)	NLR 77/15	Amends NLR 22/08 S.3 R&S Sch.Amdt.	Sept 29/15 p. 13
Food Premises Act			
Food Premises Regulations (Amdt)	NLR 78/15	Amends CNLR 1022/96 S.3 R&S	Sept 29/15 p. 15