

**In the matter of the Fishing Industry Collective Bargaining Act and an application from Association of Seafood Producers (ASP) pursuant to section 19:14(1) of that Act for a reconsideration of the decision of the Standing Fish Price-Setting Panel dated 18 March 2010 on price and conditions of sale for snow crab for 2010 .**

**DECISION OF THE STANDING FISH PRICE SETTING PANEL**

**30 April 2010**

**Decision on Request from Association of Seafood Producers for  
Reconsideration of the Standing Fish Price-Setting Panel's March 18, 2010 Decision**

In the matter of the *Fishing Industry Collective Bargaining Act* and an application pursuant to Section 19.14 of the Act from the Association of Seafood Producers (ASP) to the Panel to reconsider its decision on the Snow Crab Fishery for 2010.

The Panel received the request from the Association of Seafood Producers (hereinafter referred to as ASP) on April 28, 2010. The application was made on behalf of ASP as a processor's organization, representing processors that process the majority percentage of the species snow crab, as well as, members of the Seafood Processors Association of Newfoundland and Labrador and other non-aligned producers.

The Panel met with representatives of ASP on April 29, 2010 and reviewed their written submission and discussed the issues raised by them in support of that submission. The Panel also met on April 29<sup>th</sup> with representatives of the Fish, Food and Allied Workers (hereinafter referred to as the FFAW); the certified bargaining agent of the harvesters. The FFAW was in receipt of the submission by ASP. The FFAW provided a written response and discussed the issues with the Panel in support of their objection to the ASP request.

ASP received a copy of the FFAW submission today. They declined an offer to meet with the Panel to comment on the FFAW position, choosing instead to file a written response which the Panel has received and reviewed.

The position of ASP and the other producers is that the Panel should amend its decision of March 18<sup>th</sup> which set the minimum price for crab paid to harvesters at \$1.35 lb.. ASP requested the Panel to revise its earlier decision and fix the minimum price for the 2010 snow crab season at \$1.19lb. This request was not based on what the average market return in 2010 was likely to be. Instead, ASP relied on the fact that the price to harvesters in 2009, was too high in relation to actual market returns, which differed from the market returns projected in 2009, and the reports of the market returns received by the Panel.

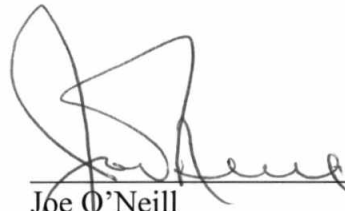
The FFAW was of the opinion that the request made by ASP was not based on any estimate of the average market return for 2010, that current market prices would have to drop considerably before the projections made by the Panel in March, based on the information available at that time, would be invalid.

There is some urgency for the Panel to make a quick decision on this application. Both parties, and ASP in particular, requested that the Panel issue a decision as soon as possible. The Panel has reviewed the submissions and representations of both parties. In the interest of getting its decision to the parties today, the Panel will not review the issues in detail.

The Panel does not have sufficient information at this time which would support changing the price of crab from \$1.35lb. to \$1.19lb.. The effects of production from this province on market prices are not as yet apparent, as the fishery has really not commenced. As ASP pointed out: "...no one knows how much the market will adjust...". Given the expressed positions of both processors and harvesters exchanging one price for another at this time will not result in improving the possibilities for the fishery to commence. Current market prices are as good, if not better, than they were in March. Should the fishery start, the Panel's decision of March 18<sup>th</sup> may be subject to challenge at some point as a result of changed circumstances. The parties have not been able to arrive at any different agreement which would supplant the Panel's decision, despite their having engaged in reportedly serious discussions over a number of days.

It is the decision of the Panel that the price for the species snow crab remains at \$1.35 lb. and the Panel confirms its decision of March 18<sup>th</sup>, in every respect.

Dated the 30<sup>th</sup> day of April, 2010.



Joe O'Neill



Bill Wells



Max Short