

Upcoming Changes for Industry – Questions & Answers

1. Licence Effective Periods & Expiry Dates

Q1: Why are licences being renewed to Nov 30, 2025, while others’ licences are being renewed to Nov 30, 2026?

The Department is working to make buyer processor licences valid for 2 years (this will be an increase from the current 1-year licence). This is being done to reduce red tape, and stagger licence expiry dates to provide better customer service at renewal time. To allow for a staggered licence renewal, some licences’ renewal date will be November 2025, with the remaining licences’ renewal date to be November 2026 (table below).

Starting next year, all licences will be effective for 2 years. Please note that licence holders with multiple licences across the province will renew all of their licences at the same time.

Group	Expiry Date 1	Expiry Date 2	Expiry Date 3	Expiry Date 4
1	Dec 31, 2024	Nov 30, 2025	Nov 30, 2027	Nov 30, 2029
2	Dec 31, 2024	Nov 30, 2026	Nov 30, 2028	Nov 30, 2030

Group 1 = Licence holders in Shelburne and Yarmouth counties.

Group 2 = Licence holders in all other counties.

Q2: Will Designated Buyers Cards still cost \$33.15 and be good for 1 year?

For licence holders in group 1, each designated buyers’ card costs \$33.15 and will expire on Nov 30, 2025. For licence holders in group 2, each designated buyers’ card costs \$66.30 and will expire on Nov 30, 2026.

2. Lobster Buyers

Q1: What is considered a lobster facility? Is a harbour where lobster is stored in crates or cars considered a facility?

For the purposes of collecting lobster facility information, a holding facility is a dryland pound or enclosed tidal pound, owned or leased (including sub-leased) by the licence holder that is used to hold lobster, and a handling facility is a land-based facility, owned or leased by the licence holder that is used to handle lobster. It does not include non-enclosed harbour locations where lobsters are floated in crates or cars; these are not acceptable holding facilities as per Schedule C of the Fish Processors and Fish Buyers Policy.

Q2: What if a licence holder sub-leases a facility but doesn’t have a formal written lease or agreement with the facility owner?

Regardless if you have a formal written agreement, buyers/processors are still required to inform the Department of the location of the facility since they store and/or handle lobster at.

Q3: For a fish buyers’ licence and fish processors’ licence for lobster, do licence holders need to fill out the Lobster Facility Information form, or does it only apply to independent buyers for live lobster (i.e., those without a fish processors licence)?

If you own/lease and use lobster holding and/or handling facilities that are not located at the address associated with your fish processors licence, you must specify the other locations. For each location, including the address associated with your fish processors licence, you must indicate the lobster holding capacity.

Q4: Do licence holders need to provide a Live Lobster Facilities Protocol or CFIA Safe Food for Canadians Licence for each facility listed?

No. We are requesting only facility information at this time.

Q5: Effective Jan 1, 2025, lobster can be stored at locations not listed on the fish buyers' licence only during unforeseen circumstances. What are considered unforeseen circumstances?

Unforeseen circumstances can vary, situations will be considered on a case-by-case basis.

Examples of unforeseen circumstances could include:

- Your lobster holding facility being destroyed by fire or another natural disaster
- If there was a surplus of lobster harvested in conjunction with market decline.

Q6: What is lobster dead loss?

Dead loss is lobster no longer viable as a live or processed product and discarded as waste.

Q7: Why are you asking licence holders to report on the amount of dead loss?

The Department is asking for dead loss information to better track the movement of lobster throughout the supply chain as well as to support compliance, enforcement and traceability. Knowledge about the amount of dead loss experienced in the industry will also support potential lobster quality initiatives or programs from the Department. Licence holders will not be penalized based on their reported dead loss.

Q8: Effective Jan 1, 2025, buyers will be required to report on lobster purchases from other buyers. Who are considered to be 'other buyers'?

Other buyers are other NS-licensed fish buyers and non-licensed buyers where the transaction occurs in Nova Scotia.

3. CFIA Alignment for Fish Processors

Q1: Is the requirement for a CFIA licence for fish processors new?

No. For almost 20 years, a Canadian Food Inspection Agency (CFIA) licence has been required by the Department for a fish processors licence. Before the *Safe Food for Canadians (SFC) Regulations* came into effect in 2018, processing facilities were required to be licensed by the CFIA under the federal *Fish Inspection Regulations*. The SFC Regulations is the result of consolidating 14 sets of existing food regulations, including the *Fish Inspection Regulations* which were repealed.

Q2: What is the difference between a licence issued under the former *Fish Inspection Regulations* and a licence issued under the current SFC Regulations?

Under the *Fish Inspection Regulations*, a facility was licensed for specific processing activities (for example: semi-preserving, smoking) whereas under the SFC Regulations, a facility is licensed for activities, sub-commodities, and sub-activities. Please refer to the attached "CFIA Safe Food for Canadians Licence Information" document for further information.

Q3: What is a SFC Record of Licence?

A Record of Licence is a one-page document from the CFIA that shows the licence holder name, licence number, date of issuance or renewal, and date of expiry. Refer to the attached "CFIA Safe Food for Canadians Licence Information" document for further information.

Q4: Does a licence holder need to have all the sub-commodities relevant to the species on my Nova Scotia fish processors licence, on the SFC licence at all times?

No. You must ensure the sub-commodity is on your SFC licence only at the time of processing. For example, if you process snow crab only from April to October, your SFC licence must show the sub-

commodity *crustaceans*, and the activity *preparing food inter-provincial trade, preparing food for export, and/or preparing food for intra-provincial trade*, from April to October.

For the remainder of the time, you must maintain a SFC licence with at least one fish and seafood or related sub-commodity, for the activity *preparing food inter-provincial trade, preparing food for export, and/or preparing food for Intra-provincial trade*.

Q5: Where can SFC licence details be found?

Please refer to the CFIA guidance document at the below website.

<https://inspection.canada.ca/en/about-cfia/my-cfia-account/user-guidance/how-print-permit-licence-registration-cert>

Q6: If a licence holder submitted SFC licence details last year, do they need to resubmit?

Yes.

Q7: To have a fish processors licence reissued, does a licence holder need to have all the sub-commodities relevant to the species on the fish processors licence, also on the SFC licence?

No. The SFC licence must show, at minimum, one fish and seafood or related sub-commodity for the activity *preparing food inter-provincial trade, preparing food for export, and/or preparing food for intra-provincial trade*. However, once the licence is issued and you are processing, you must ensure the relevant sub-commodities and activities are on the SFC licence (see Q4 above).

Q8: If there is no longer a requirement for fish processors of soft-shell clams to have a depuration facility, how will food safety risks be mitigated?

The CFIA, Environment and Climate Change Canada, and Fisheries and Oceans Canada jointly administer the Canadian Shellfish Sanitation Program (CSSP). Under the CSSP, shellfish harvested from certain areas are required to be decontaminated through relay, depuration or other equivalent methods, prior to sale to buyers. NS-licensed buyers (of soft-shell clams) are required to hold a fish processors licence and SFC licence. During audits of fish processing facilities, CFIA would ensure that controls are in place for soft-shell clams including ensuring that they were decontaminated prior to arrival at the processing facility.

4. Other Changes

Q1: Effective Jan 1, 2025, licence holders, within 30 days, must notify the Department if the licence holder or its shareholders, directors, officers, agents or key employees have been charged with a fisheries-related offence. Who are key employees?

Key employees include supervisors, managers, and senior management.

Q2: What is a 'fisheries-related offence'?

A 'fisheries-related offence' are offences of concern to the Department of Fisheries and Aquaculture, which include those related to product quality, the health and safety of seafood consumers, and the orderly development of the fisheries industry. Offences of concern include, but are not limited to, those under the following Acts and associated Regulations:

- *NS Fisheries and Coastal Resources Act*
- *Fisheries Act (Canada)*
- *Safe Food for Canadians Act (Canada)*
- *Food and Drugs Act (Canada)*
- *Health Act (Canada)*
- *Income Tax Act (Canada)*
- *Excise Tax Act (Canada)*
- *Criminal Code (Canada)*.

Q3: Why do licence holders need to notify the Department of a fisheries-related offence?

The *Fisheries and Coastal Resources Act* (the Act) states that the Minister of Fisheries and Aquaculture has the general supervision and control of processing, buying, selling, possession and marketing of fish products within the Province for the purpose of maintaining product quality, protecting the health and safety of seafood consumers and assisting in the orderly development of the fisheries industry. In addition, the *Fish Buyers' Licensing and Enforcement Regulations* and *Fish Inspection Regulations*, both under the Act, requires the licence holder to comply with Federal and Provincial legislation and regulations.

Q4: When do licence holders need to provide completed Consent to Disclose Information and Request to Relinquish forms, and an application to reissue the licence, within 30 days of notifying the Department of a change in the majority of voting shares of a company?

The *Fish Buyers' Licensing and Enforcement Regulations* and the *Fish Inspection Regulations*, states that if the majority of voting shares of a corporation that is a licence holder are transferred, its licence ceases to be in force. However, the Department does allow licence holders to make a change in the majority of voting shares (provided the Department is notified within 30 days of the change) and continue to use the licence until it is reissued. Given this 30 day "grace period", the licence holder is expected to submit the necessary documentation in a timely manner (i.e., 30 days) to reissue the licence.

Q5: Does the scenario in Q4 above apply in instances where a licence holder sells their licence and associated facility to another company (i.e., another legal entity)?

No. Q4 only pertains to share changes within the same company. A licence is not assignable or transferable to another company without permission from the Minister of the Department of Fisheries and Aquaculture. If a licence is sold without Ministerial approval, it ceases to be in force. An application to reissue the licence must be submitted prior to selling the business.

Q5: Why must fish processors report the location of sales to the provincial level for sales within Canada?

The Department is working to better understand where fish and fish products are being sold. This information will be used to monitor compliance with the Department's CFIA SFC licence requirements to mitigate food safety risks as well as for the marketing of Nova Scotia seafood. For example, if the processors' report indicates that halibut was sold only in Nova Scotia, the SFC licence should show the sub-commodity *finfish* and the activity *preparing food for intra-provincial trade*.

Q6: Why is the annual employment survey now mandatory?

The Department has heard from industry they regularly experience labour challenges and we are working to have a better understanding of this issue. We received 30 surveys back for the 2022 year out for more than 300 licence holders. All licence holders participating in the survey will provide valuable information that will support the Department in better understanding the challenges and where there may be opportunities to help. It is estimated the survey should take no longer than 30 minutes to complete.