

This document has been revised to incorporate additional questions and answers based on feedback from industry. Also, please note that an additional set of questions and answers on recording and reporting requirements has been included as item #3.

Upcoming Changes for Industry – Questions & Answers

1. Licence Effective Periods & Expiry Dates

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 will 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 2025, all licences will be effective for 2 years. Please note that licence holders with multiple licences across the province will renew all 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.

To renew a fish buyers’ licence, will Designated Buyers Cards still cost \$33.15 and be valid for 1 year?

For licence holders in Group 1, each designated buyers’ card costs \$30.38 and will expire on Nov 30, 2025. For licence holders in Group 2, each designated buyers’ card costs \$63.54 and will expire on Nov 30, 2026. These are the prorated fees.

Once all licences are in effect for 2 years, will Designated Buyers Cards be valid for 1 or 2 years?

Once your licence is in effect for 2 years, all Designated Buyers Cards will be valid for 2 years.

What do I do with Designated Buyers Cards if I no longer need them?

If you are no longer a designated buyer, please collect the card from them (if possible), destroy it, and notify the Department. The Department will remove their name from the list of designated buyers that is provided monthly to field staff.

2. Lobster Buyers

Facilities

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 with a minimum of 2,000 lbs holding capacity. It is owned or leased (including sub-leased) by the licence holder and used to hold lobster. 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.

What is a buying station and is it considered a lobster facility?

A buying station is a location where lobster is purchased and then usually transferred to a lobster facility for holding and handling. The lobster facility could be located adjacent to the buying station or away from the buying station. A buying station is only considered a lobster facility if it has the capacity to hold lobster (excluding cars or crates floated in the harbour). A buying station does not need to be reported to the Department.

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.

What if I sub-lease or use a facility for only 3 months of the year?

You are still required to list the fish buyers licence.

On the Lobster Facility Information document included in the renewal package, what is meant by "ownership of facility"?

This is the relationship that you, the licence holder, has with the facility. If you do not have a deed, lease, sub-lease, or purchase and sale agreement, leave it blank or indicate "other."

How do I request an amendment to my licence to add an additional facility?

Submit a written request via email to your Licensing Coordinator, or to fisheries-licensing@novascotia.ca.

Include the following information:

- Type of facility (handling, holding, holding, and handling)
- Holding capacity (lbs)
- Ownership of facility (deed, lease, sub-lease, etc.)
- Registered owner
- Civic address and Parcel Identified (PID)
- Notify if this facility has been used by harvesters, other NS-licensed buyers, or non-licensed buyers.

Does the holding capacity pertain to the entire facility or just the portion I use to hold lobster?

It pertains to the entire facility. If there are separate holding tanks within a single facility, you need to only report the one facility to the Department and the combined holding capacity.

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.

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.

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.

How to I notify the Department if I need to use an additional facility that is not listed on my fish buyers licence, to hold/handle lobster in unforeseen circumstances?

Notify the Department by emailing fisheries-licensing@novascotia.ca, within 3 business days of storing the lobster at the facility. Include the facility location, reason for storing lobster there, and for how long the alternate facility will be used.

Record Keeping and Reporting

Dead Loss

What is lobster dead loss?

Dead loss is lobster no longer viable as a live or processed product and discarded as waste. This includes egg-bearing female lobster that must be euthanized as requested by DFO.

Why are you asking licence holders to record dead loss daily and report dead loss monthly?

The dead loss information will help the Department 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.

Do I need to visit each lobster holding facility daily to record dead loss?

No. You must record the dead loss just on the days that you dispose of the dead lobster and report the total amount at the end of the month. For example, if lobster was placed in the tank in November 2024, but was disposed of on February 10, 2025, you record the dead loss on February 10, 2025.

From the time that the lobster is placed in a holding tank, to the time it is disposed of as dead loss, there can be considerable water weight loss. How do we account for water loss when determining the weight of dead loss?

We ask that you do your best to assess the weight of dead loss and we understand that there will sometimes be unavoidable discrepancies in measuring weight in versus weight out.

How do I report dead loss to the Department?

You are required to report dead loss monthly to the Department, either in the Fish Buyers Online Reporting System (FBORS) or complete the Lobster Buyer Monthly Transaction document available on our website, and submit it to your Licensing Coordinator via email, mail, or fax. The attached pages have a screenshot from FBORS and the Lobster Buyer Monthly Transaction document, and where exactly dead loss must be reported.

Purchases from Other Buyers and the Location of Sales

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. If the transaction occurred out-of-province, it does not need to be reported to the Department.

What is meant by “where the transaction occurs in Nova Scotia”?

If the transaction occurs in NS, this means that the ownership of the product changed in NS. For example, if a harvester lands in NS and the buyer takes possession of the product in NS, the transaction occurred in NS. If a harvester lands out-of-province and the product is shipped to NS, if the harvester is responsible for the shipping, the transaction occurred in NS. If a harvester lands out-of-province and the product is shipped to NS, if the buyer is responsible for the shipping, the transaction occurred out-of-province.

How do I report purchases from other buyers to the Department?

You are required to report these purchases monthly to the Department, either in the Fish Buyers Online Reporting System (FBORS) or complete the Lobster Buyer Monthly Transaction document available on our website, and submit it to your Licensing Coordinator via email, mail, or fax. See the attached pages which

show a screenshot from FBORS and the Lobster Buyer Monthly Transaction document, and where these purchases must be reported.

Purchases from other buyers must be reported at the County level. Is this the County where the business is located or where the lobster came from?

The County means the County where the lobster came from (their physical location). For example, Buyer 1 from Shelburne County purchases lobster in Lunenburg County from LFA 33 and moves it to their pound in Shelburne County. Buyer 2 (you, as licence holder) then purchases it and moves it to your pound in Yarmouth County. You would report the purchase as being from Shelburne County. If you have multiple transactions, you must submit a new transaction for each county.

I am required to report on the location of live lobster sales. How do I report this to the Department?

You are required to report monthly to the Department, either in the Fish Buyers Online Reporting System (FBORS) or complete the Lobster Buyer Monthly Transaction document available on our website, and submit it to your Licensing Coordinator via email, mail, or fax. See the attached pages which show a screenshot from FBORS and the Lobster Buyer Monthly Transaction document, and where these sales must be reported.

If the lobster is exported to the USA and then is immediately exported to China, do I indicate that the sale was to the USA or China?

If you, the licence holder, sold lobster to a person in the USA (i.e., the person in the USA took full possession of the product), then you would report this as a sale to the USA. Or, if you paid a broker a fee to export the product on your behalf, you would report this as a sale to China.

If I ship lobster to the USA but the company that bought the lobster is in Canada and is the person paying the invoice would that be considered a sale in the USA or in Canada?

If you are responsible for shipping the product to the USA, that is a sale in the USA. If the buyer is responsible for shipping the product to the USA, that is a sale in Canada.

3. Record-keeping Versus Reporting

What is the difference between record-keeping (i.e., recording) and reporting?

Record-keeping is the information that the licence holder is required to record and keep, for a minimum of 5 years, at their business location in Nova Scotia. Reporting is the information that must be provided to the Department on a regular basis. Note that the Department or enforcement officers can request records at any time.

What information do I need to record?

The information that must be recorded is listed in Fish Buyers Licence condition #4 and Fish Processors Licence Condition #3. Among other information, all licence holders must record information pertaining to fish that is purchased, held, or obtained; and processors must keep records about their processing activities. Purchases include those from all harvesters and all others, regardless of where the transaction occurred. Note that these are not new requirements; they have been in place for several years.

If I am holding lobster at my facility on behalf of someone else (I do not own it, they are just using my facility), do I need to record this and report this to the Department?

Fish Buyers Licence Condition 4 (Record Requirements) states that you must record several pieces of information about fish that are purchased, held, or obtained. This means that if you hold lobster on behalf of others, or you obtain lobster without purchasing it, you are still required to record its information.

However, you only need to report monthly to the Department purchases from harvesters and other buyers (for lobster). Note: for all other species (except lobster and snow crab), only purchases from harvesters are required to be reported.

I am holding lobster at my facility on behalf of someone else (I do not own it, they are just using my facility), and we have a formal written agreement in place (e.g., sub-lease). Do I still need to record this information?

If there is a formal written agreement in place to hold lobster on behalf of someone else, you are not considered to be holding product for others. It is only if you do not have a formal written agreement in place that you need to record this information. It is important to note that you may need to provide the lease agreement to inspectors to verify who is in possession of the lobsters being held in that place. The person leasing the space is required to record this information only if they are a licensed buyer and report all pertinent information to the Department.

As a buyer, what information do I need to report?

The information that must be reported is listed in Fish Buyers Licence Condition #5. For all species except lobster and snow crab, you are required to report purchases from harvesters when the transaction occurred in Nova Scotia. For lobster and snow crab, you are required to report purchases from harvesters and others, when the transaction occurred in Nova Scotia.

As a processor, what information do I need to report?

The information that must be reported is listed in Fish Processors Condition #4. Report incoming and outgoing product for all species except live lobster and live snow crab that will be sold as a live product and not processed. Purchases and sales of live lobster and live snow crab (that will be sold as a live product and not processed), will be captured in the reporting requirements for Fish Buyers Licence Holders.

4. CFIA Alignment for Fish Processors

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.

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.

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.

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*.

I do not currently have 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*. Can I renew my licence this fall?

Yes. Licence holders will have until March 31, 2024, to have these details on their SFC licence. A letter will be sent out requesting this information before December 31, 2024.

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>

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

Yes.

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).

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.

When our licence was reissued to another company or due to a change in shares, soft-shell clams were removed from the licence because we could not meet the depuration facility requirement. Are we able to get soft-shell clams back on the licence now?

No. The Department will not be providing a one-time opportunity for licence holders to get soft-shell clams back on their licences since a moratorium is still in place. During the moratorium, the Department has been very consistent in its decision to not accept requests to issue new licences and add species to existing licences, except for aquaculture products and secondary processing, and we will remain consistent.

5. Other Changes

I am required to post my licence at every location listed on my fish buyers and fish processors licences. What if I don't own a lobster facility and I only hold lobster there for 3 months of the year? Does the licence need to be displayed year-round?

If the facility is listed on your licence but you have a formal written agreement (e.g., sub-lease) that clearly allows you to use the facility for 3 months of the year (for example), you are only expected to display the licence for those 3 months. If there is no written agreement in place, you should display the licence year-round.

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

Key employees include supervisors, managers, and senior management.

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)*.

Do I have to notify of all offences under the above Acts and Regulations?

We cannot say for certain which offences under the above Acts and Regulations would be of concern to the Department since every case is different. We must assess each offence on a case-by-case basis. Therefore, it is best to notify us of all offences under the specified Acts and Regulations.

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.

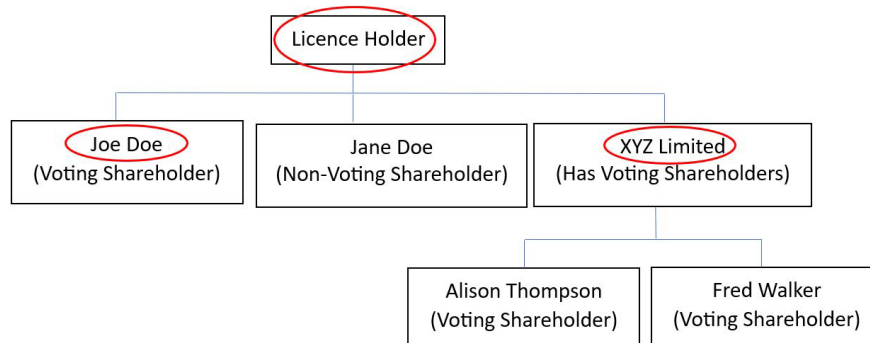
Once the Department learns of a fisheries-related offence, what happens next?

When the Department becomes aware of a fisheries-related offence, the offence is assessed under certain criteria such as the nature and severity of the offence and compliance history. From there, a decision is made on whether an administrative sanction (e.g., warning, licence suspension) will be issued against the licence and if applicable, the details of the sanction are determined.

Given the broad authority that the Minister has over product quality, the health and safety of seafood consumers, and the orderly development of the industry; most offences under the above Acts and Regulations will be of concern to the Department and therefore it is recommended that all offences under the above Acts and Regulations are reported to the Department. However, it is important to note that not every offence will warrant an administrative sanction.

There are several shareholders in the company. Do the notification requirements pertain to all the shareholders?

For shareholders, the notification requirements pertain to the immediate voting shareholders (circled) of the company that is the licence holder. See schematic below. Non-voting shareholders are not required to notify.



What if the licence holder is a publicly traded company where there are many voting shareholders?

For publicly traded companies with numerous voting shareholders, notification requirements pertain to the licence holder, directors, officers, designated buyers, and key employees involved in Nova Scotia operations.

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.

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

No, it 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.

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*.

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.