


 Fisheries and Oceans Canada Pêches et Océans Canada

Regulatory Reform:
section 56 of the
Fishery (General) Regulations

Fall 2017



 Fisheries and Oceans Canada Pêches et Océans Canada

Purpose


The intent of the proposed amendments is to reduce federal policy overlap with the Canadian Food Inspection Agency (CFIA) regarding the assessment of disease risks for proposed intentional movements of live aquatic animals.

- The CFIA is now the federal lead on animal health.

Stakeholders are seeking further clarity on the roles and responsibilities of DFO and the CFIA with respect to the management of disease, which is often a common theme in discussions with:

- provincial and territorial officials;
- aquaculture industry;
- fisheries industry;
- environmental non-governmental organizations (ENGOS); and
- academia.

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Fishery (General) Regulations - Section 56

Live fish are moved for many purposes including, aquaculture, stock enhancement, and research.

These movements are assessed for ecological, disease, and genetic risks.

- National Code on Introductions and Transfers of Aquatic Organisms (Code)
- Introductions and Transfers Committees in each province and Yukon

Some of these movements are subject to DFO licensing/permitting requirements and other control measures.

- The FGR do not apply in Ontario, Quebec (i.e., freshwater), Manitoba, Saskatchewan and Alberta.
- DFO issues licences for >600 movements of live fish per year under the FGR.

Until 2015, DFO was the federal lead for assessing disease risks prior to authorizing licences to move live fish within Canada under FGR s.56.



National Aquatic Animal Health Program

In 2006, the Federal Government began to realign its fish health management approach through the National Aquatic Animal Health Program (NAAHP).

Under the *Health of Animals Act* and regulations, CFIA is now the federal lead on fish health in each province and territory, including inland provinces, internal waters, territorial seas, and contiguous zones of Canada.

The NAAHP was fully implemented on December 31, 2015.

- Import permits include conditions to mitigate the risk of disease introduction and zoosanitary export requirements that must be certified by the exporting country.
- Domestic movement permits and associated requirements for species are based on the disease status of zones/compartments in Canada.
- Controls can also be placed on dead animals, animal products, pathogens and things, such as equipment (which can spread disease if contaminated).

DFO provides diagnostic testing, research, and scientific advice to the NAAHP.

DFO-CFIA Policy Overlap

Since NAAHP authorizations account for disease risks, assessment of disease risks under the FGR results in federal overlap:

DFO – Fishery (General) Regulations

56. The Minister may issue a licence if...

- (a) the release or transfer of the fish would be in keeping with the proper management and control of fisheries;*
- (b) the fish do not have any disease or disease agent that may be harmful to the protection and conservation of fish; and*
- (c) the release or transfer of the fish will not have an adverse effect on the stock size of fish or the genetic characteristics of fish or fish stocks.*

CFIA – Health of Animals Regulations

160.(1.1)...the Minister shall issue a permit or licence... if... the activity for which the permit or licence is issued would not, or would not be likely to, result in the introduction into Canada,...or the spread within Canada, of a vector, disease or toxic substance.

DFO and the CFIA may separately authorize the same movement (i.e. species, origin, and destination) based on the same disease risks; thereby duplicating requirements for clients.

Approach to Resolving FGR – NAAHP Overlap

Federal, provincial, and territorial governments already collaboratively updated the Code in 2017.

Updates include:

- recognizing the CFIA as the federal lead for disease risk assessments and control, with DFO focusing on genetic and ecological risks ;
- making reference to the Atlantic provinces' finfish health policy (2017); and
- implementing new service standards.

FGR s.56 will be amended so that DFO will not consider disease risks already managed by the CFIA under the NAAHP (i.e., a single authority).

Emerging disease risks not specifically managed under the NAAHP will be addressed by the CFIA and provinces, in collaboration with DFO and appropriate industries.

Next Steps & Feedback

DFO will:

- continue engagement on the proposed FGR amendments throughout the fall and early winter;
 - Notice of Intent to amend FGR currently posted on the DFO website
(see [Amending regulations for managing movements of live fish on the Department's home page](#))
- consolidate feedback and prepare drafting instructions in the late fall; and
- submit a regulatory proposal to Treasury Board in winter 2017/2018 for prepublication in *Canada Gazette*, Part I (CG1).
 - formal comment period starts when proposed amendments appear in CG1

Conclusion

- Please advise of us any suggestions, comments, or concerns you may have regarding this process today or in the near future.
- You will have another opportunity to formally comment in writing when the amended regulations are posted in CG1.

Thank you.