

APPENDIX VII**MANAGEMENT OF CONTAMINATED FISHERIES REGULATIONS****OPERATIONAL PROCEDURES****PURPOSE**

Over the past 20 years or more, a number of regulations have been made to control harvesting shellfish that become toxic with paralytic shellfish poisoning (PSP) in certain waters and harvesting of shellfish from waters that become so contaminated as to render certain shellfish unsafe for human consumption. These regulations are the Sanitary Control of Shellfish Regulations and parts of the New Brunswick, Nova Scotia, Prince Edward Island and Quebec Fishery Regulations and the Pacific Shellfish Regulations. These provisions in some cases are inconsistent in approach, duplicating or conflicting. Recent testing of waters into which effluent from industrial activities is deposited, notably pulp and paper mills, indicate potential problems with the presence of dioxin which may render fish other than shellfish unsafe for human consumption. Existing regulations do not allow the Department to react quickly enough to close fisheries where such problems are identified. The Management of Contaminated Fisheries Regulations authorize a Regional Director General to issue orders prohibiting harvesting of fish (fin fish, molluscs and crustaceans) from areas where any kind of contamination or toxicity is present to an extent to be of public health significance. The regulations will give the Department the ability to quickly close fisheries where toxicity or contamination reach unacceptable levels.

SAMPLING

Areas where it is suspected that fish may be affected by contamination should be sampled in a manner that will be representative of the species and size of fish that are normally harvested by commercial and/or recreational harvesters. In the case of bivalve molluscs, sampling should be conducted as outlined in the Regional Sampling Plan.

CLOSURES

- a) Chemical contaminants
 - i) The Regions of Newfoundland, Gulf, Scotia Fundy, Pacific and coastal areas of Quebec Region,

Northwest Territories and the Yukon - closures will be implemented when the fish samples exceed Health and Welfare Canada, Health Protection Branch's (HPB) contaminant guidelines or standards to such an extent that HPB feels the product is of public health concern. When the contamination is the result of a specific industrial activity which is also present in other provinces, HPB and DFO consultation at NHQ level is required, e.g. dioxin issue associated with pulp mills in B.C.

- ii) Ontario, Manitoba, Saskatchewan, Alberta and fresh water areas of Quebec Region - in order that the province may take appropriate action they will be advised when fish samples exceed the HPB contaminant guideline or standard, and that the particular fish specie(s) is not acceptable for the consumer market. (There may be some specific instances where a market exists in a country whose tolerances for the particular contaminant is higher than HPB's guideline. In such cases discussions should be held with the province and with the processor of the product that has the market, to arrive at a procedure that will not jeopardize the marketing of the product in that specific country). When the contamination is the result of a specific industrial activity which is also present in other provinces, HPB and DFO consultation at NHQ level is required.
- b) Sanitary closures - Mollusc harvesting areas will be closed when Environment Canada classification surveys show that the waters exceed the applicable sanitary guidelines of the National Shellfish Sanitation Program (NSSP).
- c) Toxic closures - Mollusc harvesting areas will be immediately closed when the following toxin levels are encountered.
 - i) PSP - 80 ug/100g
 - ii) Domoic Acid - 20 ug/g and rising

OPENINGS

- a) Chemical contaminants
 - i) The Regions of Newfoundland, Scotia Fundy, Gulf, Pacific and the coastal areas of Quebec Region,

Northwest Territories and the Yukon - repeal of this type of closure will be implemented when survey samples of the specified fish contain levels less than the applicable guidelines or standards.

- ii) Ontario, Manitoba, Saskatchewan, Alberta and fresh water areas of Quebec Region - in order that the province may take appropriate action, they will be advised when the fish samples are less than the HPB contaminant guideline or standard and that the particular fish specie(s) is acceptable for the consumer market.
- b) Sanitary closures - repeal of this type of closure will be implemented when Environment Canada classification surveys show that the waters meet the appropriate NSSP sanitary guidelines.
- c) Toxic closures - repeal of closures will be issued when three consecutive acceptable values from the same specie of mollusc, taken at the key sampling station, are obtained during a minimum period of 14 days, i.e.: 1st sample on day 1 and the 3rd sample no earlier than day 14. Mollusc samples from any other key sampling stations in the same area must also be acceptable.

COMMUNICATIONS

A written procedure should be developed by each region to capture the appropriate information and to establish the communication links (who does what and when for openings/closures and licences to harvest in closed areas).

- a) The laboratory results and recommendation are given to the appropriate Regional Director of the Branch, designating and describing the area, the specie(s) of fish and the reason the specie(s) is affected.
- b) The Regional Director of the Branch will, as appropriate:
 - i) complete the closure order or repeal of closure order and forward it to the Regional Director General (RDG) for his/her signature. The Regional Director will advise the other directors, area managers, and the communication officer about the closure or opening. Alternatively the order may be prepared by the Fisheries and Habitat Management Branch, Regulations Unit for review by the Director of Inspection who in turn will forward it to the

RDG;

or

- ii) advise the provincial counterpart of the issue (see Closures a) ii)).
- c) An information copy of the signed order and the following additional information should be sent to the Chief, Scientific and Technical Programs, Inspection, Regulations and Enforcements Directorate, NHQ (fax 990-4668):
 - i) the type of toxin(s) and the level(s); and
 - ii) the names of licence holders (if any licences have been issued to permit harvesting in the closed area).

RECORDS

Information associated with openings/closures should be recorded centrally within the region and should include:

- a) Copies of Closure Orders and Repeal of Closure Orders that are numbered consecutively and indicate the region, type of closure, and year.

The following designations shall be applied:

G - Gulf	CH - chemical
S - Scotia Fundy	SN - sanitary
N - Newfoundland	TN - toxin
Q - Quebec	
P - Pacific	
C - Central & Arctic	

e.g. GCH-1990-1 would mean the first closure in 1990 for chemical reasons in the Gulf region;

- b) The contaminant(s) and levels;
- c) Names of those persons, if any, that have been issued licences to harvest in the closed area; and
- d) Copies of letters to the provincial authorities (Ontario, Manitoba, Saskatchewan, Alberta and Quebec (for fresh water areas)).