

## CHAPTER 3

### CONTROL OF HARVESTING

The control of harvesting from growing areas is a vital part of the control procedures for a comprehensive shellfish sanitation program. There must be assurances that shellfish are only harvested from approved or conditionally approved areas, or from closed areas by licence. Potentially hazardous shellfish must be prevented from reaching the consumer. It is the responsibility of the Conservation and Protection Division/Fisheries Branch in each Fisheries and Oceans (DFO) Region to provide sufficient personnel and equipment for surveillance activities that will act as a deterrent to harvesting from closed areas.

#### 3.1 Patrol Policy Document

Specific patrol requirements that may be applied to technical and administrative situations vary among Regions. Consequently, a patrol policy document shall be developed by each Region and kept current. The policy document shall describe patrol organization and activities necessary to deter harvesting from closed areas.

- a) a patrol policy document shall contain the following provisions:
  - i) method of identification of closed areas;
  - ii) description of area-specific patrol problems;
  - iii) listing of areas to be patrolled;
  - iv) frequency and nature of patrol;
  - v) type and frequency of reporting; and
  - vi) educational measures.
- b) The patrol policy document shall be reviewed annually, revised when necessary and communicated to other regional shellfish control agencies.
- c) The patrol policy document shall be placed in a central file and made available on request for authorized audits including those that may be

conducted by U.S. Food and Drug Administration officials in connection with the 1948 Shellfish Agreement.

### **3.2 Licensing of Harvesters**

It is not a requirement of the Fisheries Act to licence harvesters who fish for shellfish in open (i.e. approved) areas. Specific regulations under the Fisheries Act however may require licensing of harvesters; such a requirement exists for the licensing of clam diggers in the Pacific Region. Information with respect to opening and closing shellfish areas is conveyed to harvesters through the local media or by the posting of notices in affected areas and in post offices and at shellfish processing plants, if applicable.

In the case of closed areas (i.e. areas not approved for direct marketing) the following criteria apply:

- a) licences may be issued to harvesters or processors for the taking of shellfish from closed areas. The licences shall be issued in accordance with the operating procedures specified in Chapter 2 of this manual concerning relaying and controlled purification;
- b) DFO may renew licenses each year, or more frequently, as necessary;
- c) harvesters shall have valid licences in their possession while engaged in shellfish harvesting activities in other than open areas. DFO shall prohibit any person from harvesting who does not have a valid licence; and
- d) DFO shall maintain a record in a central file of all the licenses issued. This file should contain a copy of notices published for the information of harvesters concerning changes in area classification and changes in applicable laws and regulations.

### **3.3 Identification of Closed Areas**

The measures necessary to accomplish boundary delineation and notification may vary among regions provided the following criteria are met:

- a) the boundaries of the closed areas shall be marked by fixed objects or landmarks or are otherwise described in a manner which permits easy recognition of the boundaries and successful prosecution of any violators of closed areas; and
- b) shellfish harvesters shall be notified of the location of closed areas by publication, posting of notices, or other effective means. The method of notification and identification shall be sufficient to permit the successful prosecution of persons harvesting shellfish from closed areas.

#### **3.4 Prevention of Harvesting from Closed Areas**

In planning, executing and reporting on patrols for illegal harvest prevention, regions shall ensure that:

- a) when there is evidence that shellfish are being illegally harvested from closed areas, educational programs are developed to provide harvesters with information concerning the public health aspects of consuming shellfish harvested from closed areas. Other measures and programs are developed as necessary to prevent harvesting from closed areas;
- b) closed shellfish growing areas are patrolled with due consideration given to night, weekend and holiday patrols;
- c) patrol forces shall be so equipped that persons found harvesting shellfish in closed areas or processing shellfish from closed areas may be apprehended; and
- d) complete records of patrol activities, including violations and court actions, are maintained in a central office of the Regional patrol agency.

#### **3.5 Depletion of Closed Areas**

In the United States, individual States are encouraged to deplete market size shellfish from closed areas to reduce the likelihood of contaminated shellfish reaching the marketplace. This practice is not a procedure recommended or endorsed by DFO as a means of controlling harvesting.