



A GUIDE TO FISH VENDING, BUYING, PROCESSING AND BROKER LICENCES

As required by the British Columbia
Fisheries Act (R.S.B.C.) and *Fish Inspection Act* (R.S.B.C.)

INTRODUCTION

The Ministry of Agriculture and Lands (MAL) fosters the social-economic viability and sustainability of the fisheries sectors throughout British Columbia.

In particular, MAL manages the seafood industry through various pieces of legislation. MAL is responsible for the issuance and regulatory compliance of aquaculture and commercial fisheries licences.

The basis of the mandate lies within the context of the BC *Fisheries Act* (R.S.B.C. 1996 Chapter 149) and *Fish Inspection Act* (R.S.B.C. 1996 Chapter 148), and accompanying regulations.

Through these pieces of legislation and several Memoranda of Understanding, the Ministry of Agriculture and Lands, in cooperation with Fisheries and Oceans Canada (FOC), the Canadian Food Inspection Agency (CFIA), the Health Authorities (previously known as Ministry of Health) and the Ministry of Environment, licenses:

- all fish processing plants, fish buying stations, fish brokers and fish vendors;
- all aquaculture operations;
- fishers involved in the commercial harvest of fish in non-tidal (fresh) water;
- harvesters of wild oysters and/or marine plants.

The type of licence required and agencies involved will depend on the nature of the operation. This guide outlines the basic requirements for licences, as well as the primary agencies concerned. Refer to Appendix I for a list of agencies to contact for more specific information.

OVERVIEW

The Constitution Act, 1867 gives the Province jurisdiction in the field of property and civil rights. In the case of tidal fisheries, the Province, and in particular MAL, becomes involved once fish are caught and become the property of the fisher. The buying, processing and selling of fish are therefore under provincial jurisdiction.

Fisheries and Oceans Canada (FOC) regulates the commercial harvest of most fish species in tidal waters. Any inquiries regarding commercial fishing licences should be made through the local FOC office or through their general number in Vancouver (604) 666-0566.

1. Fish Vending Licence

Under Section 13 of the provincial *Fisheries Act*, a Fish Vending Licence is required by commercial fishers who sell their own catch directly to the public for personal use.

The licence is issued to an individual, not a facility, but the facility is subject to inspection. The vendor must also abide by zoning bylaws for municipalities and any business licence requirements.

Fish Inspection Standards are set out in Schedule F of the *Fish Inspection Regulations* (BC Reg. 12/78). In addition, the Health Authorities have specific inspection requirements applying to roadside sales. Fishers intending to sell their own catch should therefore contact inspectors from both MAL and local Health Authorities to determine required inspections.

LICENCE ELIGIBILITY

An applicant must be a bona fide commercial fisher and must supply a photocopy of his or her current Fisher Registration Card (FRC) with the application. Failure to include a copy of your FRC may result in a delay in issuing your licence.

2. Fish Buying Station Licence

Under Section 13 of the *Fisheries Act*, a Fish Buying Station Licence is required by any individual or company receiving fish directly from a licensed commercial fisher providing the fish received is **not** for that person's personal use.

A Fish Buying Station is defined as:

- "(a) a building, structure, machinery, appurtenances, appliances and apparatus;
- (b) a vehicle; and,
- (c) a vessel, scow, barge or float, within the Province or its coastal waters, with or without installed propulsion machinery, used in the business of buying, collecting, assembling, transporting, conveying, packing or carrying fish direct from a fisher."

This means that a separate licence is required for each vessel, vehicle or shore station used to receive fish directly from the fisher. The one exception is a fish processing facility with a valid Fish Processing Licence. In this instance, a separate Fish Buying Station Licence is not

required for collecting fish **at that location**, provided the Fish Processing Licence includes the category of product being received.

LICENCE ELIGIBILITY

Canadian citizenship or permanent residency is required to obtain a Fish Buying Station Licence in BC. If an individual resides outside Canada, MAL requires non-resident buyers to operate through a BC-registered business, from a shore-based buying station.

Inspection requirements vary depending on the activity and whether the buying station is a vehicle, vessel or shore station. For more information, contact a MAL Inspection Officer at (250) 897-7542.

Commercial fishing vessels used as fish buying stations must have a current Commercial Fishing Licence (from FOC) as condition of issuing a buying station licence.

3. Fish Broker Licence

The Fish Broker Licence is required by any **person or company** purchasing fish directly from the fisher for resale, or who acts as an agent on behalf of another individual or company.

A Fish Broker Licence is not required for:

- an individual or company licensed to operate a fish processing or fish buying station;
- an individual buying fish for personal use; or,
- a restaurant or retail store purchasing fish for use or resale at that location.

The Fish Broker Licence differs from the Fish Buying Station Licence. The Fish Buying Station Licence licenses an individual to **operate a facility** where fish are received directly from the fisher.

LICENCE ELIGIBILITY

A fish broker's licence may be issued by the Minister to a person who (a) is a citizen or permanent resident of Canada who resides in British Columbia or who has a registered declaration under section 88 of the *Partnership Act*, (b) maintains a registered office in British Columbia under the *Company Act* or the *Partnership Act*, or (c) has a registered declaration under section 81 or 88 of the *Partnership Act*.

4. Fish Processing Licence

A Fish Processing Licence is required by any company or individual processing for cold storing fish or aquatic plants. Processors exporting seafood products outside of British Columbia, or processing bivalve shellfish or farmed salmon, must also have their processing facility registered with the CFIA. Processing, as defined under Section 13 of the *Fisheries Act*, includes:

"eviscerating, filleting, icing, freezing, canning, packaging, smoking, salting, cooking, pickling, drying, preserving, or preparing fish or aquatic plants for market..."

If you are engaged in any of these activities, you are required to have a licence to operate the fish processing facility.

There is one exception provided in the Act:

A licensed fisher that eviscerates and ices, freezes or packages their own catch on board their fishing vessel does not require a licence.

There are three exemptions provided by Ministry policy guidelines, where fish processing licences are not required:

- (1) fish farmers may stun and bleed their own fish on-site; this procedure is not considered processing. The fish must not, however, be dressed or cut otherwise;
- (2) restaurants providing food for service at the location where it is prepared; and,
- (3) retail stores not involved in secondary processing (cooking, smoking, pickling, etc.) or eviscerating and filleting.

Although these facilities do not require licensing by MAL, they must meet inspection standards of Health Authorities or MAL.

Processing done by sport fishing lodges that is conducted as a complimentary service to guests must check with FOC and MAL for processing requirements.

A facility licensed as a Fish Processing Plant does not require a separate Fish Buying Station Licence **for that location**, providing the Fish Processing Licence includes the category of product being received. However, all vessels, vehicles, or facilities used to collect fish for the processing plant require Fish Buying Station Licences.

LICENCE ELIGIBILITY

Permanent residency is required to obtain a Fish Processing Licence in BC. If an individual resides outside Canada, the enterprise must be incorporated and operate from a permanent location in BC.

To qualify for a Fish Processing Licence, the facility must conform to standards of construction and design, and must meet any relevant policy requirements of the Ministry.

Applicants should note MAL has a restrictive policy with respect to issuing processing-at-sea licences. For further information on this, interested parties should contact MAL.

The following agencies inspect fish processing facilities for compliance with regulatory inspection requirements:

Health Authorities (previously known as the Ministry of Health)

- processing and/or cold storage facilities where fish are prepared for sale within British Columbia.

Canadian Food Inspection Agency

- processing facilities where fish are prepared for export outside of British Columbia or Canada;
- facilities where bivalve shellfish or farmed fish are processed; and,
- canning or retorting operations.

Ministry of Agriculture and Lands

- facilities where marine plants or sport caught fish are exclusively processed.

IMPORTANT INFORMATION FOR ALL LICENSEES

FINANCIAL OBLIGATIONS

The first cash purchaser of fish should also be aware of contribution requirements to the following agencies:

- 1) Revenue Canada - Unemployment Insurance contributions on behalf of the fishers;
- 2) Workers' Compensation Board - contributions on behalf of the fisher;
- 3) Salmon Marketing Council - collect a levy from salmon fishers as a requirement of the *Farming and Fishing Industries Development Act*.

ABORIGINAL FISHERIES

A number of watersheds, such as the Fraser and Skeena Rivers, with populations of anadromous species are cooperatively managed by FOC and First Nations.

Fish caught in these systems are generally used for food, social and ceremonial purposes. In some cases, under special agreements with FOC, these fish could also be offered for sale.

These agreements specify the sale of fish and are:

"subject to all federal and provincial laws relating to sale including but not limited to laws respecting health and safety, inspection, processing, packaging, storage, export, quality and labeling."

This means that all Provincial legislation, including licensing requirements, inspection standards, and requirements for documentation of fish, apply to all persons, companies or business enterprises handling fish from Aboriginal fisheries.

Each agreement may be slightly different as each First Nations group will determine its own policy for the disposition of fish. This may include bonds to be posted, premiums, and levies that are payable to First Nations by the buyer.

Individuals considering buying Aboriginal fish should contact MAL, FOC and the appropriate First Nations to determine specific requirements.

FOC LANDING REQUIREMENT

Fish buyers should be aware that the Federal *Pacific Fisheries Regulations*, Section 17, requires **salmon** and **herring** to be landed at a Designated Landing Station. A landing station is a building or barge permanently affixed to the shore, provincially licensed as a Fish Buying Station or Fish Processing Plant. For more information, contact a Regional FOC Enforcement Officer.

STATISTICAL OBLIGATIONS

It is the responsibility of the licence holder to ensure:

FOC Fish Slips

Fish Slips are completed and submitted to FOC. Fish Slips are collected by FOC for the purpose of fisheries management and contain information on the area fished, gear type used, price, value and weight of the species caught. These documents can be obtained from any local FOC Fisheries office or by contacting the main office in Vancouver.

BC Annual Fisheries Production Schedules

Licenses are required to complete and submit an Annual Fisheries Production Schedule to MAL. The schedule requests licensees to submit production statistics on the final processed weights and market selling values for all seafood products owned and marketed during the previous calendar year.

Blank forms are mailed to clients in January for the previous years production and must be returned by March 31st. Completion of these forms is required under the *Fisheries Act*.

MAKING AN APPLICATION

You can apply for any of these four licences:

- in person at any Government Agents office in British Columbia; or,
- in person, or by mail, to the MAL office in Courtenay.

Please be prepared to make payment at the time of application. Applications will not be processed until payment is made.

Licences are issued through the MAL regional office in Courtenay. Applications are reviewed on a first come, first served basis and licences are normally issued within one week of making the application, providing all requirements, including inspection if applicable, have been met. Applicants should note the Ministry does reserve a 60 day policy review period for any application received.

ADDITIONAL INFORMATION PACKAGES AVAILABLE

The Licensing of Aquaculture in British Columbia

MAL

Fish Processing Plants - Guidelines for Plan Approval
and Structural Requirements

BC Centre for Disease
Control (BCCDC)

List of Contacts

BC GOVERNMENT

MINISTRY OF AGRICULTURE AND LANDS

General Enquiries

Fisheries and Aquaculture Licensing and Compliance Branch

Access Centre 2500 Cliffe Avenue

Courtenay BC V9N 5M6

Phone: (250) 897-7542

Fax: (250) 334-1410

Section Head, Compliance and Monitoring Unit

Yves Antaya

(Courtenay)

(250) 897-7575

Compliance and Monitoring Unit Inspectors

Jain Alcock-White

(Courtenay)

(250) 897-7552

Ed Atkinson

(Courtenay)

(250) 897-7576

Brian Barker

(Courtenay)

(250) 897-7550

Dave Hunchak

(Campbell River)

(250) 286-7552

Alex Millar

(Courtenay)

(250) 897-7544

Mike Wallden

(Prince Rupert)

(250) 624-7521

Wayne White

(Courtenay)

(250) 897-7554

Section Head, Licensing Unit

Kathy Evans

(Courtenay)

(250) 897-7541

Licensing Clerk

Susanne Armstrong

(Courtenay)

(250) 897-7542

HEALTH AUTHORITIES

Contact the local Health Authority Office

MINISTRY OF LABOUR & CITIZENS' SERVICES

Government Agent Offices:

<p>ATLIN Box 100, 3rd Street Atlin BC V0W 1A0 Phone: (250) 651-7595</p>	<p>BELLA COOLA Box 185, Cliff Street Bella Coola BC V0T 1C0 Phone: (250) 799-5361</p>	<p>CAMPBELL RIVER BC Access Centre 115 - 1180 Ironwood Road Campbell River BC V9N 5P7 Phone: (250) 286-7555</p>
<p>CHILLIWACK BC Access Centre 45850A Yale Road Chilliwack BC V2P 2N9 Phone: (604) 795-8415</p>	<p>COURTENAY BC Access Centre 2500 Cliffe Avenue Courtenay BC V9N 5M6 Phone: (250) 897-7500</p>	<p>DUNCAN BC Access Centre 5785 Duncan Street Duncan BC V9L 5G2 Phone: (250) 746-1400</p>
<p>GANGES Box 270 Salt Spring Island BC V8K 2V9 Phone: (250) 537-5414 (343 Lower Ganges Road)</p>	<p>KAMLOOPS 250 - 455 Columbia Street Kamloops BC V2C 6K4 Phone: (250) 828-4540</p>	<p>KITIMAT 334 City Centre Kitimat BC V8C 1T6 Phone: (250) 632-6188</p>
<p>NANAIMO BC Access Centre 460 Selby Street Nanaimo BC V9R 2R7 Phone: (250) 741-3636</p>	<p>NELSON BC Access Centre 310 Ward Street Nelson BC V1L 5S4 Phone: (250) 354-6104</p>	<p>PENTICTON 102 - 100 Main Street Penticton BC V2A 5A5 Phone: (250) 492-1211</p>
<p>PORT ALBERNI 4586 Victoria Quay Port Alberni BC V9Y 6G3 Phone: (250) 724-9200</p>	<p>PORT HARDY Bag 11000 8755 Granville Street Port Hardy BC V0N 2P0 Phone: (250) 949-6323</p>	<p>POWELL RIVER 6953 Alberni Street Powell River BC V8A 2B8 Phone: (250) 485-3622</p>
<p>PRINCE GEORGE BC Access Centre 1044 - 5th Avenue Prince George BC V2L 3H9 Phone: (250) 565-4488</p>	<p>PRINCE RUPERT 201 - 3RD Avenue West Prince Rupert BC V8J 1L2 Phone: (250) 624-7415</p>	<p>QUEEN CHARLOTTE CITY Box 309 Queen Charlotte City BC V0T 1S0 Phone: (250) 559-4452 (212 - 3rd Avenue)</p>
<p>SECHELT Box 950 Sechelt BC V0N 3A0 Phone: (250) 885-5187 (102 - 5710 Teredo Street)</p>	<p>SQUAMISH Box 1008 Squamish BC V0N 3G0 Phone: (604) 892-2400 (1360 Pemberton Street)</p>	<p>UCLUELET Davison Shopping Centre Box 657 Ucluelet BC V0R 3A0 Phone: (250) 726-7025 (5 - 1620 Peninsula Road)</p>
<p>WILLIAMS LAKE BC Access Centre 540 Borland Street Williams Lake BC V2G 1R8 Phone: (250) 398-4211</p>		

FEDERAL GOVERNMENT

FISHERIES & OCEANS CANADA

Pacific Fishery Licensing Unit Offices:

200 – 401 Burrard Street
Vancouver, BC V6C 3S4
Phone: (604) 666-0566

60 Front Street
Nanaimo, BC V9R 5H7
Phone: (250) 754-0400

417 - 2nd Avenue West
Prince Rupert, BC V8J 1G8
Phone: (250) 627-3413

or contact the local District Office.

CANADIAN FOOD INSPECTION AGENCY

Inspection Inquiries:

Fraser River/Yukon Division

2250 South Boundary Road
Burnaby BC V5M 4L9
Phone: (604) 666-4427

Coastal Division

4250 Commerce Circle
Victoria BC V8Z 4M2
Phone: (250) 363-3455

REVENUE CANADA

Contact the local Revenue Canada office or call toll free: 1-800-959-5525

OTHER AGENCIES

BC SALMON MARKETING COUNCIL

1100 - 1200 West 73rd Avenue
Vancouver, BC V6P 6G5
Phone: (604) 267-3030

WORKERS' COMPENSATION BOARD

Vancouver: (604) 244-6181

All other areas call toll free: 1-888-922-2768