

STANDING COMMITTEE ON
FISHERIES AND OCEANS



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

COMITÉ PERMANENT DES
PÊCHES ET DES OCÉANS

21 June 2021

Hon. Bernadette Jordan
Minister of Fisheries, Oceans and the Canadian Coast Guard
Room 256, Confederation Building
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister Jordan:

I write on behalf of the House of Commons Standing Committee on Fisheries and Oceans (the Committee) with regards to the Fisheries and Oceans Canada (DFO) sudden decision to “reinterpret” subsection 36(2) of the *Fishery (General) Regulations* and ban the freezing of prawns at sea for the domestic market, a practice known as tubbing. The Committee heard from fishers, and we would like to share their concerns with you.

The commercial spot prawn (*Pandalus platyceros*) fishery is a limited-access fishery in British Columbia with 245 available licences. Additionally, there are 54 communal licences issued to the Nuu-chah-nulth First Nations, who also participate in a Food, Social and Ceremonial (FSC) fishery. The industry has an annual economic impact of \$45 million.

Subsection 36(2) of the *Fishery (General) Regulations* state:

36(2) No person who catches and retains a fish under the authority of a licence issued for the purpose of commercial fishing shall have the fish in possession if the fish is skinned, cut, packed or otherwise dealt with in such a manner that

(d) where size limits are applicable, the size of the fish cannot be readily determined.

The practice of tubbing prawns has been used for the past 50 years and was endorsed by DFO. In their appearance before the Committee, DFO officials themselves noted that there are only two violations recorded by Conservation and Protection officers regarding undersized prawns in an average year, and none in the past two years.

However, according to harvesters, for reasons that remain unexplained, DFO reinterpreted the regulation without consulting them, effectively banning the practice of tubbing for the domestic market in the 2021 prawn fishing season. This move blindsided the industry that was already forced to pivot to a domestic market to make up for the shortfalls in exports to Asian markets due to the effects of the COVID-19 pandemic on the seafood industry.

Andy Olson, Executive Director, Native Fishing Association, explained that decisions like this are evidence that “the Pacific region [of DFO] seems to operate on its own, *in absentia* of this national mandate to support fishermen and to support individual harvesters.”

Commercial fisher Ivan Askgaard put it simply: “This reinterpretation of the policy is not a conservation issue. It's solving a problem that doesn't exist.” The Committee heard no evidence that the so-called reinterpretation is needed for conservation concerns, and further, a tub of frozen prawns can be thawed within minutes for inspection by DFO. DFO provided no science or data to back up its decision.

Furthermore, James Lawson, President, United Fishermen and Allied Workers' Union – Unifor, pointed out that without the practice of tubbing, his First Nation community would be unable to access this local food source.

In response to the outcry from prawn harvesters, your office announced on 14 May 2021 that DFO will support an interim protocol developed by the Pacific Prawn Fishermen's Association that will allow for the continuation of the practice of tubbing for the 2021 season, while continuing to engage with industry over the course of the year on the “development of different packaging practices or other measures that will help ensure the continued sustainable harvest of British Columbia prawns.”

With respect, that is not enough. Sonia Strobel, Co-Founder and Chief Executive Officer, Skipper Otto Community Supported Fishery, explained, DFO's decision for the 2021 season “is cold comfort for fishing families who have, as you know, leased or bought licences for so much money. It's not possible to build a business around one year's confidence.”

Prawn fishers and coastal communities deserve support and certainty from DFO. Therefore, the Committee would like to bring the following recommendations to your attention:

That Fisheries and Oceans Canada,

Tubbing

1. Recognize the legality of tubbing and immediately cease the enforcement of the so-called regulatory reinterpretation for this fishing season.
2. Clearly specify what is meant by "readily determinable", so that fishers can ensure they are meeting this requirement.
3. Implement a tub size and transparency standard that would meet the "readily determinable" requirement.
4. Establish a standard tub size in consultation with industry that can be quickly and efficiently thawed for inspection by no later than 31 December 2021.
5. Create a new and explicit condition of licence that defines "readily determined" and sets forth the requirement for a vessel master to render samples for inspection within a predetermined time frame.

Enforcement and Traceability

6. Work with Health Canada and the Canadian Food Inspection Agency, to implement a traceability label program. This will limit the illegal sales of prawns, as well as allow DFO Enforcement to remove samples from vessels and assess the size of the prawns at another time and location.
7. Authorize fishery officers to board a vessel at any time to inspect retained prawns for size sampling.
8. Implement a size monitoring program with third-party on-ground monitors.
9. If an on-ground (third party) observer suspects a vessel is retaining undersized prawns, have the observers report the incident to the J.O. Thomas office (as the third-party service provider) in Vancouver as soon as they depart the vessel. J.O. Thomas will forward this suspected activity to the DFO Lead Prawn Manager as the office is in formal contact with DFO twice a week during the commercial fishery.

Consultation

10. Implement a timeline standard so that any regulation changes or reinterpretations must be announced no later than 180 days prior to the opening of the prawn fishing season; and that exceptions to this timeline only be granted upon the authority of the Minister of Fisheries and Oceans and the Canadian Coast Guard.
11. Immediately convey to affected stakeholders the factors leading to the decision when any re-interpretation is rendered.
12. Immediately consult stakeholders and provide them assistance with resources required to implement transition options if regulatory changes will affect operations.

13. Provide immediate clarity on the requirements that will be in place for the 2022 spot-prawn fishing season to alleviate the great uncertainty surrounding the reinterpretation of the regulation.

Support for Coastal Communities

14. Apply a “local-access” lens in its regulatory decisions to ensure that due consideration is given to the access of fresh, locally, and sustainably caught seafood in coastal communities.

The Committee looks forward to your response and stands ready to collaborate with you in support of Canada’s prawn harvesters. The committee will have no confidence with a response that does not address the concerns and recommendations in this letter.

Sincerely,

A handwritten signature in black ink that reads "Ken McDonald". The signature is written in a cursive, slightly slanted style.

Ken McDonald, MP
Chair, House of Commons Standing Committee on Fisheries and Oceans