

CHAPTER 2, SUBJECT 2**REINSPECTION****1. SCOPE**

This document outlines the regulations, policy and procedures governing the reinspection of fish and fish products.

2. AUTHORITIES

Fish Inspection Act. R.S.C., 1970, c. F-12: Part I, Sections 3 and 5.

Fish Inspection Regulations (FIR), C.R.C., 1978, c. 802; Part I, General.

Section 10 (FIR)

- (1) Where a person interested in a decision of an inspector in respect of any inspection, grading, marking or other matter under PART I of the Act or these Regulations is not satisfied with a decision of an inspector, he may, by notice in writing, appeal the decision to the Minister who shall, subject to section 11, order a reinspection.
- (2) Where a reinspection is made pursuant to subsection (1) and the Minister makes a decision as a result thereof, that decision shall be final.

Section 11 (FIR)

A reinspection shall not be ordered pursuant to section 10 where:

- (a) the identity of the fish or containers of fish in dispute has not been preserved;
- (b) the request for reinspection was not made within 30 days after the disputed inspection;
- (c) the fish or containers of fish have in or upon them any poisonous or harmful substance; or
- (d) the fish or containers of fish have been previously reinspected.

3. POLICY

- 3.1 A reinspection of a lot will only be granted after:
- a) an initial inspection has been completed and official written notification of the results has been given to the owner of the goods or his/her agent; and
 - b) a written request for a reinspection has been received from the owner or agent. Telexes are acceptable.
- 3.2 In most instances written appeals should be directed to the Inspection Manager or equivalent for decision. However, there may be circumstances (e.g., export at Canada-U.S. border), where a reinspection must be performed immediately; in such cases all Inspectors may act on behalf of the Minister and grant a reinspection.
- 3.3 The reinspection may be conducted in a fisheries administrative center other than that in which the initial inspection occurred, provided the owner meets the conditions detailed in the procedures.
- 3.4 The reinspection will normally be conducted by three Inspectors trained in the examination of the goods in question. The Inspectors must not have been involved in the initial inspection. The owner may waive, in writing, these requirements if he/she wishes to expedite the reinspection; however, the final decision regarding the number of Inspectors will be made by the Regional Director and will depend upon the resources available. The owner or agent shall be advised in writing of the decision.

4. PROCEDURES

- 4.1 Where an initial inspection results in the failure of a lot of fish, the lot must be detained, if not already (Detention and Release, Chapter 2, subject 3).
- 4.2 The owner/agent is notified of the results by the Fish Inspection Report (Appendix A or equivalent), indicating the reasons for rejection. At the same time the owner/agent is notified of his/her right to a reinspection by the Notification of Right to Reinspection (Appendix B).
- 4.3 The request for reinspection must be received from the owner/agent within 30 days. The 30 day period will commence the day the Inspector hand delivers the Fish Inspection Report or the date of receipt of the report when sent by

registered mail.

4.4 Prior to reinspection, the owner/agent may do any or all of the following, provided the details of the intended work are outlined in the request for reinspection, approved by an inspector, and the work is monitored by an inspector:

- a) cull or rework the goods;
- b) remove suspect codes from the lot(s);
- c) request that a duplicate set of samples be withdrawn for private analysis;
- d) request that the lot be reinspected on a code by code or a lot basis.

NOTE: If the owner/agent wishes to have a duplicate set of samples withdrawn for private analysis this request must be made in writing. It must be explained to the owner that the samples are for analysis purposes only and are not to be sold or distributed. Results of any private analysis is for the owner's use only and will not have a bearing on the final decision of reinspection.

4.5 If the product has been rejected during export at the border, the operator of the transport carrier is to sign the Notice of Detention and be given a copy of the Fish Inspection Report or equivalent. If the owner/agent can be reached and is able to provide a written request to the inspector for reinspection at the border, one will be performed. In such cases many of the options available to the owner must be waived. If the owner of the fish cannot be reached or cannot provide a written request for reinspection, the product will be returned to the shipping source.

4.6 If the owner/agent requests the reinspection be conducted in a different inspection district, area, or region, he/she must meet the following conditions:

- a) provide a written request to change the location;
- b) agree in writing to bear all costs associated with the transportation of the samples; and
- c) ensure that product integrity can be maintained during transportation.

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- 4.7 The owner and/or his/her agent (to a maximum of two persons) may attend the sampling and/or reinspection. During the reinspection they shall act strictly as observers and shall not hinder the Inspectors in any way. (They must refrain from discussing the samples or examination results until the reinspection has been completed).
- 4.8 The reinspection will be conducted by three Inspectors trained in the examination of the goods in question, as follows:
- a) One of the three Inspectors is appointed as team leader and spokesperson and is solely responsible for presenting the results of the reinspection to the owner/agent.
 - b) Before the reinspection begins, the team leader shall brief the owner/agent, if present, on how the reinspection will be conducted.
 - c) The team leader shall prepare the samples for reinspection, ensuring that each sample is clearly identified so that no confusion occurs when summarizing the individual reinspection reports.
 - d) Prior to the commencement of the reinspection, the team leader shall review the procedures and methods to be followed by the reinspection team:
 - Each Inspector shall independently examine each sample and record the results on an individual reinspection report.
 - The Inspectors shall not discuss the reinspection during the actual examination; they may request clarification on specific points of procedure from the team leader.
 - The individual inspection reports of each team member shall not be given to the owner.
 - While preparing the summary report, the team leader may consult each Inspector on his/her individual reports.
 - The team leader shall communicate the results of the reinspection to the owner/agent and provide the completed Fish Inspection Report or equivalent.
 - All of the Inspectors will be present when the team

leader presents the results.

- If the owner/agent is not present at the reinspection, he/she may be informed by telephone of the results. The telephone call will be followed by the Fish Inspection Report, which is sent by registered mail or hand delivered to the owner or agent.
- e) The team leader will prepare a final report of the reinspection results, including all documents, for his/her supervisor.

NOTE: The inspection for defects such as parasite infestation, number of bones, and/or foreign material, may be performed by one member of the team.

5. FORMS/DOCUMENTS

Fish Inspection Report - Appendix 'A'

Notification of Right to Reinspection - Appendix 'B'

Flow Chart: "The Initial Inspection and Reinspection Process" - Appendix C.

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NOTIFICATION OF RIGHT TO REINSPECTION

Dear Sir/Madam:

On (give dates), an inspection was completed on a lot of fish (or containers of fish) consisting of (describe the lot). The results indicate that this lot of fish does not comply with section 6 (1) (a) of the *Fish Inspection Regulations*.

You are hereby notified that you have the right to appeal this decision, as provided in section 10 (1) of the *Fish Inspection Regulations*. Should you decide to appeal the decision on this lot of fish, a written request should be made to this office within 30 days of the date of receipt of this letter. As well, you are hereby advised that you may:

- 1) Cull or rework the fish or containers of fish;
- 2) Request that a duplicate set of samples be withdrawn for private analysis;
- 3) Request that the lot be reinspected on a code by code basis or on a lot basis;
- 4) Have yourself and/or your agent (maximum of two persons) attend the sampling and/or reinspection;
- 5) Request that the reinspection take place in a fisheries administrative center other than that in which the initial inspection occurred, provided that all of the following conditions are met:
 - a) the request is made in writing;
 - b) you indicate in the written request that you are willing to bear all costs associated with the transportation of the samples; and
 - c) product integrity can be maintained during the transport of the samples.

Your intention to do any of the above must be indicated in the letter in which you request the reinspection.

A summary of the results will be provided to you upon completion of the reinspection.

Cull is defined as:

- to remove defective units from the lot.

Rework is defined as:

- to remove defects from the units in the lot, (e.g., candle or trim) or to reprocess the product such that the nature of the product is significantly changed.

Inspector

THE INITIAL INSPECTION AND REINSPECTION PROCESS

