

**Fish Products
Inspection Manual**

CHAPTER 10

CERTIFICATION OF FISH AND FISH PRODUCTS

1. SCOPE

This document outlines the policies, procedures and regulations governing the certification of fish and fish products.

2. AUTHORITY

Fish Inspection Act, R.S.C., 1970, c.F-12; Sections 9(1) and (2), 14(1), (2) and (3)

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

Section 9 (FIR)

9.(1) Where a person requests an inspection certificate for fish, an inspector shall

(a) where the person operates the establishment in which the fish was processed, inspect the processing record of the establishment to determine whether an inspection of the fish is required and, if it is required, inspect the fish; and

(b) in any other case, inspect the fish.

(2) An inspector shall issue an inspection certificate for fish where

(a) the inspector determines that an inspection of the fish is not required; or

(b) the inspector determines, following an inspection of the fish, that the fish meets the requirements of the Act and these Regulations.

(3) A person who requests an inspection certificate for fish shall pay an inspection service fee of

(a) \$100, where an inspection of the fish is performed; and



**Fish Products
Inspection Manual**

(b) \$25, where an inspection of the fish is not performed.

(4) The amount payable by a person under subsection (3) shall not exceed \$10,000 in a calendar year. SOR/96-364, s.4

Section 12 (FIR)

Where an inspector has reasonable grounds to believe that fish has deteriorated after the date on which it was inspected or that it otherwise fails to meet the requirements of these Regulations, he may again inspect such fish.

Section 13 (FIR)

(1) Where an inspection is made under Section 12 and the fish is found not to be of the grade marked on the container, any inspection marks and quality designations on the container shall be removed or obliterated and any inspection certificate that may have been issued for the fish is void.

(2) No person shall use an inspection certificate if he knows that the certificate is void.

2.1 DEFINITIONS

Certification is the procedure by which official certification bodies or officially recognised certification bodies provide written or equivalent assurance that foods or food control systems conform to requirements. Certification of food may be, as appropriate, based on a range of inspection activities which may include continuous on-line inspection, auditing of quality assurance systems, or examination of finished products (Codex - Principles for Food Import and Export).

Inspection is the examination of food or systems for control of food, raw materials, processing, and distribution including in-process and finished product testing, in order to verify that they conform to requirements (Codex - Principles for Food Import and Export).

Lot, with respect to fish other than fresh fish, means a shipment or part of a shipment of fish that is of the same species, is processed in the same manner by the same producer, is packaged in the same size of container and bears the same label (FIR - Section 2).

**Fish Products
Inspection Manual**

Status Amend.no.10 Date 21/01/00

Quality Management Program means a fish inspection and control system, that includes procedures, inspections and records, for the purpose of verifying and documenting the processing of fish and the safety and quality of fish processed in, exported from, or imported into Canada (FIR - Section 2).

3. POLICY

3.1 When a registered establishment or an export licence holder requests a specific certificate for his/her product, one must be issued, except where:

- the fish or fish products or the fish processing establishment do not meet the requirements of the Fish Inspection Regulations;
- the conditions of the certificate are not met at the time of production; and
- products contain additives, chemical contaminants or bacteriological organisms at levels prohibited by the importing country, even if the levels are in compliance with Canadian requirements.

3.2 Although the CFIA will attempt to assist in providing information on the certification requirements of the destination country, if they are not known it is the primary responsibility of the exporter to identify foreign country requirements and obtain documents that can be verified with officials from the destination country. Known country requirements can be found in the Appendices to this Chapter.

3.3 Fish or fish products that exceed contaminant standards or guidelines established by Health Canada shall not be exported unless the product is in compliance with established standards, tolerances or guidelines of the receiving country, or the foreign regulatory agency has indicated in writing that the products are acceptable in their country. Where these fish are certified, the certificate cannot state that the fish meet the requirements of the Fish Inspection Regulations.

3.4 The details on each certificate or To Whom It May Concern Letter issued must be entered into the Export Certification System. The Product Inspection section at NHQ should be contacted to develop new or amended certificate templates as required.

**Fish Products
Inspection Manual**

Status
Amend.no.19

Date
18/11/05

- 3.5 Certificates may be issued for imported lots which are "processed" and subject to QMP controls in a registered establishment if the fish meets the requirements of the foreign country stated on the certificate, even if the product does not undergo substantial transformation according to domestic shift rules. (These products cannot be certified as product of Canada.)
- 3.6 For registered establishments with a QMP system in compliance with the FIR, it is required that 10% of lots intended for certification be inspected.
- 3.7 Subject to Section 3.8, for export license holders requesting certification of fish that were not processed in a registered plant (e.g., fisher-packers) it is required that 100% of the lots be inspected prior to certification.
- 3.8 Certificates may be granted without inspection to exporters who have a voluntary protocol between the establishment and the CFIA (e.g., Live Lobster Protocol). The voluntary protocol shall outline the required procedures and resulting privileges for the exporter, and must be signed by both the exporter and the CFIA in order to be in effect. Exporters operating with a voluntary protocol must meet all the requirements of the FIR and the protocol in order to receive an export certificate.
- 3.9 An inspector may sign a certificate based on an official inspection by another inspector.
- 3.10 In instances where inspectors are asked to supply certificate(s) for a re-consignment or sub-lot, they must ensure that the product still meets the requirements of the original certificate(s) and that all pertinent product information on the original certificate(s) is incorporated on the certificate(s) for the re-consignment or sub-lot(s). Certificates for re-consigned lots or sub-lots shall not be issued without an inspection of the lot if the interval between the original certificate and the certificate request exceeds:
- 7 days for fresh product
 - 30 days for salted fish
 - 180 days for frozen products
 - 365 days for canned products
 - the best before date for any product.
- 3.11 Where an Inspector has reason to believe that the condition of the fish/fish products has deteriorated since the inspection, another inspection shall be conducted.

**Fish Products
Inspection Manual**

Status
Amend.no.19

Date
18/11/05

- 3.12 Only one original certificate per lot is to be issued for each type of certificate, but two or more different types of certificates can be issued on one lot. The inspector or exporter can make copies of the certificate. If certificates are issued to replace lost or damaged certificates, then a statement is required on the replacement certificate to cancel the first certificate.
- 3.13 Where lots are not accessible to an inspector for inspection, or the company's records of inspection pertaining to the lot(s) are not available for verification, then the inspection cannot be carried out and a certificate cannot be issued.
- 3.13.1 Exporters may request replacement certificates for fish products which have been exported from Canada and are therefore no longer available for inspection. Replacement certificates may be issued in legitimate cases if the integrity of the shipment has not been compromised. Such legitimate cases would include, but are not limited to:
- ▶ administrative errors;
 - ▶ lost or damaged certificates;
 - ▶ changes to the consignee; and/or
 - ▶ last minute changes to the quantity shipped.
- 3.13.2 Replacement certificates will not be issued for a shipment that has been imported into another country.
- 3.14 In instances where historical data is available for chemical contaminants, e.g., mercury in some species of fish, laboratory analysis is not required to issue a certificate. Inspectors who receive a request for a certificate concerning chemical content are to contact the appropriate CFIA personnel to reference the data base to ensure compliance before issuing the certificate.
- 3.15 The appropriate fees will be charged for all requests for certification and all inspections for certification, even where a certificate was refused after a review of records or a lot failed inspection.

4. PROCEDURES

- 4.1 A company requesting a certificate should complete the certificate in advance and provide it to a CFIA office for signature. The information on the certificate or the certification request should identify:

a) certificate type(s)

**Fish Products
Inspection Manual**

Status
Amend.no.10

Date
21/01/00

- b) lot location
- c) date available for inspection
- d) date certificate required
- e) lot size
- f) product description (size, grade, type)
- g) consignee
- h) consignor
- I) identification marks (production code)
- j) mode of transportation (if known).

4.2 In order to determine if the lot requires inspection, the inspector is required by regulation to review the processing record of the establishment, which would consist of the following actions where appropriate:

- ensure the establishment had a valid registration and met all certification requirements for the dates the product was processed;
- ensure that there are no confirmed complaints for the product or that the product was never recalled; and
- ensure that the product does not require 100% inspection prior to certification.

4.3 In order to issue a Certificate for a European Union (EU) country, the inspector must also be satisfied that in addition to meeting the requirements of the FIR:

- a) the processor is on the EU List; and
- b) that if the product was harvested by a foreign vessel, it had been inspected within the past 12 months and met the requirements of Schedule III or EU Directive EU/48/EEC. (In addition to Canada, the USA, and New Zealand also have Veterinarian agreements with the EU that include fish products. Processors of shipments originating from these countries are not required to provide proof the harvesting vessels met the requirements of EU/48/EEC.)

4.4 When a certification request is received from a processor with a voluntary protocol, the inspector should review the specific requirements of the protocol to determine if an inspection is required prior to making a decision to certify the product.

4.5 If an inspection of a lot is required prior to issuing a certificate, the lot will be inspected as specified in Chapter 2 of this manual. The samples should pass inspection for the requirements for sensory evaluation, labelling claims and ingredient declarations, net content evaluation if the product is pre-packaged, and visual

**Fish Products
Inspection Manual**

Status
Amend.no.19

Date
18/11/05

container integrity for hermetically sealed metal containers.

- 4.6 If the product is found to be in compliance with the FIR, the requesting company is to complete the certificate and the inspector will review the certificate before signing. Any changes on the certificate must be initialled by the inspector. When a certificate is issued, any space remaining in the product description section is to be marked out by a Z.
- 4.7 Requests for replacement certificates for consignments that are no longer available for inspection in Canada should be accompanied by a letter from the exporter that sets out the reasons for the request, including an explanation of what happened, where it happened, and who was involved. This letter should be kept in CFIA's files.
- 4.8 When a replacement certificate is issued, or a certificate is voided or cancelled, the certificate and all copies of the certificate should be returned to the Agency before a new certificate can be issued. If the originals cannot be returned, then the exporter should provide a letter to the CFIA that describes the reasons why the original certificate was not returned.
- 4.9 A replacement certificate should have the following statement added just above the Inspector's seal: "This cancels and supersedes certificate no. ____ dated ____."
- 4.10 All stocks of obsolete export certificates or computerized templates of obsolete certificates must be destroyed.
- 4.11 A fee of \$25 per certificate where no inspection was performed or \$100 per certificate where an inspection was performed is to be charged unless the establishment has reached the \$10,000 cap for certification fees.
- 4.12 The Canadian Inspection Certificates are to be completed as follows:
- a) Product Description - A full and accurate description must be provided. In the case of graded product, the class, grade, size and/or moisture content is to be indicated if specified by regulations.
 - b) Lot Size - The number of boxes, cartons, packages, etc. in the lot, the number of individual containers in a box, etc., and the weight of the individual container. The weight of the individual container is not required if the product is to be weighed at time of sale.

**Fish Products
Inspection Manual**

Status
Amend.no.12

Date
10/11/00

- c) Consignor - The name and address of the person or company that is marketing the merchandise.
- d) Consignee - The name and address of the person or company to whom the merchandise is being sold.
- e) Marks - The identification marks such as port marks, shipping marks, date codes, name of plant, registration number or any other marks that specifically identify the lot covered by the certificate.
- f) Via - The mode of transportation and the name of the transporting company. If the information is not known, complete this section as follows: "Not known at time of inspection".
- g) Place - The location where the certificate was issued.
- h) Date - The date when the certificate was issued.
- I) Inspector - The name of the inspector signing the certificate. Inspectors issuing certificates are to print their name above or below their signatures.

4.13 Instructions for completing foreign country certificates are provided in the specific appendices. For imported products that are processed in registered establishments but which do not undergo substantial transformation, the country of origin must be identified on the certificate.

4.14 All certificates should be signed and stamped using ink that is a different colour from the other text on the certificate. Inspectors should then crimp the certificate over their signature. If the certificate is formatted on more than one page, each page of the certificate should be signed and stamped in a different colour ink with a crimp over the inspector's signature. The stamp and crimp should be placed so that they do not obliterate the identity and title of the signing officer.

Any copies of the original certificate must be identified as a copy and should be readily distinguishable from the original document.

The seal and crimp used for the certificate must be in the following format:

**Fish Products
Inspection Manual**

Status
Amend.no.12

Date
10/11/00



5. FORMS/DOCUMENTS

NOTE: Copies of all current forms and certificates may be found on the Agency Intranet site.

**Fish Products
Inspection Manual**

Status
Amend.no.12

Date
10/11/00

APPENDIX A

LIVE LOBSTER CERTIFICATION PROTOCOL (LLCP)

1. SCOPE

This document outlines the policies and procedures governing the inspection and certification of live lobster for export carried out by personnel of the Canadian Food Inspection Agency (CFIA), in both registered and non-registered establishments, excluding fishing vessels.

These policies and procedures reflect the low level of risk to public health and safety associated with the handling and packaging of live lobsters.

2. AUTHORITY

Fish Inspection Act, R.S.C., 1970, C.F-12; Sections 6, 9(1) and (2)

Fish Inspection Regulations, C.R.C., 1978, c.802; (FIR) Part I, General: Sections 9, 12, 13 (1), 13 (2)

Section 9

(1) Where a person requests an inspection certificate for fish, an inspector shall

- a) where the person operates the establishment in which the fish was processed, inspect the processing record of the establishment to determine whether an inspection of the fish is required and, if it is required, inspect the fish; and
- b) in any other case, inspect the fish.

(2) An inspector shall issue an inspection certificate for fish where

- a) the inspector determines that an inspection of the fish is not required; or
- b) the inspector determines, following an inspection of the fish, that the fish meets the requirements of the Act and these Regulations.

(3) A person who requests an inspection certificate for fish shall pay an inspection service fee of

**Fish Products
Inspection Manual**

Status
Amend.no.12

Date
10/11/00

- a) \$100, where an inspection of the fish is performed;
and
- b) \$25, where an inspection of the fish is not
performed.

(4) The amount payable by a person under subsection (3) shall not exceed \$10,000 in a calendar year. SOR/96-364, s.4

Section 12

Where an Inspector has reasonable grounds to believe that fish has deteriorated after the date on which it was inspected or that it otherwise fails to meet the requirements of these Regulations, he may again inspect such fish.

Section 13

(1) Where an Inspection is made under Section 12 and the fish is found not to be of the grade marked on the container, any inspection marks and quality designations on the container shall be removed or obliterated and any inspection certificate that may have been issued for the fish is void.

(2) No person shall use an inspection certificate if he knows that the certificate is void.

3. POLICY

Live lobster exported from Canada to any country in the world shall be certified when the live lobster has been processed in accordance with the requirements of the **Fish Inspection Regulations**. Inspection and certification of the live lobsters shall be conducted in accordance with the requirements of this protocol and other relevant requirements contained in this manual.

Registered Establishments

The processing and exportation of live lobster shall be subject to all the requirements of the establishment's Quality Management Program. This includes conducting a hazard analysis on any live fish operations as per section 3.1 b) and c) below. Should a registered establishment choose to develop and implement a Live Lobster Certification Protocol (LLCP) to facilitate the certification of live lobster exports, the

**Fish Products
Inspection Manual**

Status Amend.no.12 Date 10/11/00

audit/verification frequencies and the certificate control requirements of this document shall apply.

Non-registered Establishments

In order to facilitate the export of live lobster from Canada, non-registered live lobster exporters may develop and submit a LLCP submission to the CFIA for evaluation and approval. A Live Lobster Certification Protocol signed by both the exporter and the CFIA is required for non-registered exporters of live lobster who wish to ship to the European Union (EU), and exporters to other markets who require pre-signed certificates. Once the submission is evaluated, accepted and signed, the exporter is then assigned a LLCP number and the exporter name and number is added to the "Canadian List of Exporters Approved for the US" and the "Canadian List of Exporters Approved for the EU".

3.1 Each submission for a LLCP shall contain:

- a) appropriate background information (exporter name, mailing address), location of the establishment used for the processing and export of the lobster, including methods of handling and description of the packaging and labelling to be utilised;
- b) a hazard analysis which identifies every hazard that is likely to occur for the live lobster operation;
- c) where the hazard analysis has identified hazards, a HACCP plan in which all critical control points, critical limits, monitoring procedures used at critical control points, the frequencies of monitoring procedures and corrective action plans are specified;
- d) the names of personnel responsible for the development and implementation of the LLCP;
- e) a written sanitation program; and
- f) a description of the system used to trace lots of live lobster to their first shipping destination.

3.2.1 **Non-registered LLCP Exporters, Excluding Exporters of Crated Lobster Shipped Directly**

Non-registered lobster exporters, operating under a LLCP,

**Fish Products
Inspection Manual**

Status
Amend.no.12

Date
10/11/00

including shippers who further package crated lobster into cardboard or polystyrene foam containers, shall have enclosed facilities. Facilities shall meet the following construction and equipment requirements:

- a) Floors - new construction shall be concrete or equivalent (i.e., nonporous). Existing wood will be tolerated provided it can be kept in good repair and clean. No earth or gravel floors permitted.
- b) Drains - shall be properly covered to prevent entrance of rodents. Where effluent drains, it must not create an unsanitary condition where flies and unacceptable odours are prevalent.
- c) Walls and Ceilings - open studding shall be tolerated provided it can be kept in good repair and reasonably clean. Facilities must have tight doors and windows and be constructed so as to prevent the entrance of rodents.
- d) Toilet facilities - must be available in the immediate area.
- e) Hand-washing facilities -
 - I) in existing establishments, hand-washing facilities with running water are required; pressurised water is recommended, but not required;
 - ii) in new construction, the facility must be located adjacent to the toilet facilities, and must be equipped with hot and cold running water, soap and single-service towels.
- f) Water - an adequate supply of water derived from:
 - I) an approved potable fresh water source; or
 - ii) a supply of clean sea water derived from a source which meets the overlay water standard, shall be available for employee hygiene and establishment clean-up.
- g) Tables - new construction must be of approved material. Wood is permitted for existing equipment.
- h) Offal Receptacles - must be marked "For Offal Only", and be constructed of approved material.

**Fish Products
Inspection Manual**

Status
Amend.no.12

Date
10/11/00

I) Lighting - minimum lighting for live fish holding operations must be available in the processing areas.

3.2.2 Non-registered LLCP Exporters of Crated Lobster Shipped Directly

Non-registered shippers of crated lobster from tidal lobster pounds or cars, who hold lobster in crates in tidal lobster pounds, and place loaded crates on transport vehicles for shipment, are not subject to the facility requirements outlined in Section 3.2.1.

3.3 Live lobster exporters operating under LLCPS shall ensure they meet all requirements of the policy as outlined in their HACCP submission.

3.4 Inspectors shall conduct audits and verification of LLCP establishments to ensure compliance with the requirements of the LLCP.

3.5 Individual CFIA offices will outline requirements for notification of shipments to be exported, in order that audit/verification can be conducted.

3.6 Inspectors shall conduct audit/verification activities in accordance with the frequency guidelines provided below:

a) 1 per month for high volume facilities (>20 certification requests/month);

b) once every three operating months for low volume facilities (<20 certification requests/month).

3.7 Where live lobster shippers have implemented and meet the requirements of a LLCP they shall be included on the plant list to be exchanged with the United States for the purposes of meeting the US Seafood HACCP Regulations.

3.8 Since live fish exporters to the United States do not require product certification, the LLCP may be audited approximately every 3 months of operation.

3.9 The CFIA may make additional arrangements to facilitate the export of live lobster to foreign markets as required.

3.10 Inspectors may take samples for any reason, including therapeutant and biotoxin analysis, and make results available to the industry, where appropriate.

3.11 The LLCP may be suspended or revoked by the CFIA if the requirements of the protocol are not met.

**Fish Products
Inspection Manual**

Status
Amend.no.12

Date
10/11/00

3.12 Live lobster shippers operating non-registered facilities without a LLCPP may still have product certified provided the lobsters were processed in accordance with the Fish Inspection Regulations. Each lot must be inspected prior to certification.

Live lobster shippers operating non-registered facilities without a LLCPP will not have shipments certified for export to the EU as they are required to be included on the list of establishments approved to export fish to the EU, which cannot be done without a LLCPP.

4. PROCEDURES

4.1 LLCPP submissions, containing the information in 3.1, shall be submitted to the nearest CFIA office for review and approval.

4.2 Where CFIA inspectors determine that shipments of live lobster require the issuance of pre-signed certificates (i.e., European Union), the LLCPP exporter shall be granted the privilege of these certificates provided the following measures are implemented:

- a) CFIA shall maintain detailed controls of all certificates issued including copies of the certificates issued, names of exporters receiving certificates and serial numbers;
- b) designated CFIA inspectors, knowledgeable in the requirements of the Fish Inspection Act and Regulations, shall sign, crimp and stamp, with the CFIA logo, previously prepared certificates that have written or typed on the certificate "Live Lobster (homarus americanus)", the name and address of the consignor, and the certificate serial number;
- c) CFIA shall only issue inventories of certificates once they account for all previously issued certificates (including certificates voided by the exporter);
- d) CFIA shall only issue certificates to exporters who have not previously received pre-signed certificates on a case-by-case basis, until such time as an acceptable compliance history has been established;
- e) exporters shall maintain all stocks of pre-signed certificates under strictly controlled conditions. All pre-signed certificates are legal documents and must be handled as such;

**Fish Products
Inspection Manual**

Status
Amend.no.27

Date
25/11/09

- f) exporters shall provide to the CFIA inspector responsible for inspecting their operations - within a reasonable period of time prior to export - a record of their inspection of the product lot to be certified. This record shall include the name of the consignor and consignee, number of containers and weight, the results of inspection, the shipping date, the plant name if different from consignor, the signature of company official and the serial number of the certificate to be used. These records shall be maintained by the exporter and shall be made available to the CFIA inspector upon request;
- g) exporters are to complete the remaining sections of the pre-signed certificate to accurately reflect the information provided for each "record" referred to in f). They are to advise CFIA immediately of any changes to information on records previously provided to CFIA;
- h) each exporter shall maintain a ledger of the certificates received from the CFIA including a copy of all certificates issued. This ledger shall include certificate type, serial numbers, date received from CFIA and date issued;
- I) exporters shall provide CFIA with adequate lead time for replenishing standing inventories of certificates;
- j) exporters shall provide the CFIA with copies of all issued certificates within two days following shipment of the certified lots.

4.3 Under LLCPS the following documents may be issued:

a) For registered facilities:

- All Canadian certificates
- EU/Canada certificates, where the processor is on the EU Approved List
- Foreign country certificates

b) For non-registered facilities:

- Statement of Inspection
- Certificate of Inspection _____ Content CFIA/ACIA 5006 formally (FP-1408),
- EU/Canada certificates, where the processor is on the EU Approved List
- Export Certificate for Mexico
- Certificate of Origin and Hygiene CFIA/ACIA 5003

**Fish Products
Inspection Manual**

- (FP-1404) operating with a Live Lobster Certification Protocol
- Russian certificate, where the processor is on the Russian Federation Approved List

- 4.4 Should a non-registered exporter require a statement that the product is Canadian, it is permissible to change the Statement of Inspection to become a "Statement of Origin and Inspection" and to reword the text to read "This is to certify that the fish described below is a Product of Canada and has been found.....".
- 4.5 Inspectors conducting audit/verification activities shall complete an audit report as per Chapter 3, Subject 3 of the Facilities Inspection Manual - Compliance Verification Policies and Procedures for Registered Establishments.
- 4.6 CFIA offices shall enter audit/verification and certificate information into the appropriate national database.