

## CHAPTER 2, SUBJECT 1

### INITIAL INSPECTION

#### 1. SCOPE

This document outlines the regulations, policy and procedures governing the initial inspection of all types of domestic and imported fish and fish products. There are, however, procedures unique to the inspection of imported fish products which are covered in Chapter 3.

#### 2. AUTHORITIES

*Fish Inspection Act.* R.S.C., 1970, c.F-12; Sections 3(c) and 3(i)

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

*Section 4 (FIR):*

All fish are subject to inspection and an inspector may take samples of fish free of charge for the purpose of inspection.

*Section 5 (FIR):*

The owner of fish or a person acting on his behalf shall make readily accessible to an inspector any fish or containers for which inspection or reinspection is required under these Regulations.

*Section 6 (FIR):*

(1) No person shall import, export or process for export or attempt to import, export or process for export:

(a) any fish that is tainted, decomposed or unwholesome or otherwise fails to meet the requirements of these Regulations.

#### 3. POLICY

3.1 An inspection may be performed on any lot of imported or domestic fish and fish product, including containers and

ingredients, from the time of initial harvesting to the final marketing of the product.

- 3.2 An inspection at the retail level is not within the jurisdiction of the *Fish Inspection Regulations* and potential problems should be referred to the regional office for direction.
- 3.3 When an inspection is to be performed, the lot must be identified and the owner/agent of the goods must make the entire lot available for sampling and/or inspection to the satisfaction of the inspector.
- 3.4 The completion of an initial inspection will result in either the failure or acceptance of a lot of fish. In most cases where a lot fails the initial inspection, a reinspection is granted provided the conditions outlined in Chapter 2, Section 2 are met.
- 3.5 Under certain circumstances, (see Procedures, 5.9), an Inspector may delay rendering a decision on the inspection when the results show that the lot inspected does not comply with the *Fish Inspection Regulations*. If the owner/agent agrees, the decision on the inspection results is suspended, thus providing the owner/agent of the lot the opportunity to correct the defects in the lot.

NOTE: An offer to suspend the decision on the results of an initial inspection may only be offered once.

#### **4. PROCEDURES**

- 4.1 The type of analysis the inspection will entail must be established prior to commencing the inspection, i.e. - bacteriological, organoleptic, composition, species identification, chemical, weight evaluation, label evaluation, seam evaluation, or a combination of the above.
- 4.2 The identity of the lot of fish to be inspected must be confirmed. This requires determining as much of the following information on the lot as possible: the location, the common name of the species in the lot, the size of the lot, the identification marks (lot number, codes), the grade, and the moisture content and the size of product if applicable.
- 4.3 Once the lot has been identified, the inspector has the option to detain the lot until the inspection is completed

and the disposition of the lot decided. All import products on the mandatory Inspection List (or products suspected of being in non-compliance with the regulatory requirements) must be detained.

- 4.4 The inspector must select the appropriate sampling plan and inspection level depending on the type of product to be examined and the analysis required.
- 4.5 The inspector must determine the sample unit, calculate the lot size and sample size, and withdraw the sample from the lot.
- 4.6 The inspector must prepare the sample for inspection and ensure that it is assessed against all applicable requirements of the *Fish Inspection Regulations*.
- 4.7 The lot of fish passes or fails based on the results of the initial inspection. If the lot passes and is under detention, the lot is released. If the lot fails and is not already under detention, the lot is detained immediately (Chapter 2, Section 3, Detention and Release).
- 4.8 When inspection of the sample shows that the lot does not comply with the requirements of the *Fish Inspection Regulations*, i.e. - the acceptance number is exceeded, an inspector shall suspend the decision on the initial inspection provided the following conditions exist:
- a) The fish or containers thereof do not have in or upon them any poisonous or harmful substances. In special cases reconditioning may be permitted if the CFIA determines that bacteria of public health significance would be removed. Any decision regarding reconditioning must be made with full consultation with the Regional Headquarters; and
  - b) The inspector determines that the owner/agent is able to correct the defect(s) of the lot through culling or reworking.

A suspended inspection would not be offered under the following circumstances:

Where a lot of canned product consisting of *only* one code does not comply with the *Fish Inspection Regulations* due to decomposition, a suspended inspection cannot be offered, as it is impossible to determine which cans contain decomposed product.

- 4.9 The "Offer to Suspend Initial Inspection" (Appendix B) is to be given or sent immediately to the owner/agent indicating why the lot failed to comply with the regulations and detailing the conditions under which the decision on the results of the initial inspection will be suspended.
- 4.10 A suspension of the initial inspection will only be granted provided the following conditions are met:
- a) The identity of the fish, or containers thereof, has been maintained;
  - b) The CFIA receives within 30 days of the owner/agent receiving the notification of the opportunity to suspend the initial inspection a written request to do so;
  - c) the request to suspend the initial inspection outlines the intended process for culling, reconditioning or reworking the lot and the process is acceptable to the CFIA; and
  - d) the owner/agent agrees to dispose of all defective product resulting from the action in c) above, in a manner acceptable to the CFIA.

If any of the above conditions are not met, the initial inspection procedure re-commences and the owner/agent is notified of the failure of the lot by the Fish Inspection Report, or equivalent (Appendix A), and his/her right to a reinspection by the "Notification of Right to Reinspection" (Appendix C).

- 4.11 Upon receipt of the owner/agent's written request to suspend the initial inspection, the inspector must evaluate the proposed process for culling or reworking the product to determine if the process is valid. It is recommended that the inspector confer with his/her supervisor during the evaluation. Proposals for reconditioning must be referred to Regional Headquarters.

When evaluating the intended process for culling, the inspector should note that the process must:

- a) remove defective units from the lot; or
- b) segregate suspect codes from the lot.

In the first instance, all culled product is considered defective with the exception of mislabelled product, (under weights, mis-labelling), and is not eligible for further

inspection or reinspection. The rejected product must be disposed of in a manner acceptable to the CFIA. In the second instance, the culled lot is divided into two lots, one lot which contains all suspect codes. Both lots are subject to inspection/reinspection procedures.

NOTE: The inspector must be satisfied that the proposed culling process describes a realistic means of segregating suspect codes from the original lot as well as a realistic means of culling defective product from those suspect codes. If the inspector is satisfied that the above can be met, the removal of suspect code(s) from the original lot will be permitted provided the suspect codes are combined into one new lot.

- 4.12 Upon accepting the process for culling, reconditioning or reworking submitted by the owner/agent, the inspector must confirm the conditions, time and place via the letter entitled "Approval of Culling, Reconditioning or Reworking Process" (Appendix D).
- 4.13 All culling, reconditioning and/or reworking must be done under the supervision of an inspector.
- 4.14 The inspector must ensure that all defective units removed during a culling or reworking process are disposed of in a manner acceptable to the CFIA.
- 4.15 Upon completion of the approved culling, reconditioning and/or reworking process, the inspector must sample the lot(s) in accordance with the original sampling plan on a code by code or a lot basis. Only the results from this sample will be used to determine the compliance of the lot(s).
- 4.16 The owner/agent is notified of the results of the initial inspection by the Fish Inspection Report or equivalent (Appendix A).

If the lot passes inspection, it is released. If the lot fails, the owner/agent is also notified of the right to a reinspection by the "Notification of Right to Reinspection".

## 5. **FORMS/DOCUMENTS**

Fish Inspection Report - Appendix A

Sample Letter: "Offer to Suspend Initial Inspection" -  
Appendix B

Sample Letter: "Notification of Right to Reinspection" -  
Appendix C

Sample Letter: "Approval of Culling, Reconditioning or  
Reworking Process" - Appendix D

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

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New

31/03/89

**OFFER TO SUSPEND INITIAL INSPECTION**

Dear Sir/Madam:

On (give dates), an inspection was conducted on a lot of fish (or containers of fish) consisting of (identity of the lot) and the results indicate that the said lot of fish does not comply with Section 6(1)(a) of the *Fish Inspection Regulations* in that the samples examined were (reasons). This being the case, the CFIA's policy allows the decision on the results of the inspection to be suspended to permit your firm the opportunity to cull, rework, or recondition the lot under the supervision of an Inspector, provided all four of the following conditions are met:

- 1) The CFIA receives a written request from you, within 30 days of the date of receipt of this letter, to permit the culling, reworking or reconditioning of the lot;
- 2) The process for culling, reconditioning or reworking is acceptable to the CFIA and is capable of being monitored by an inspector;
- 3) The identity of the fish or containers of fish has been maintained; and
- 4) Your firm agrees to dispose of all defective product culled from the lot, in a manner acceptable to the CFIA.

The terms "culling, reworking, and reconditioning" are defined as:

- 1) "culling" - the removal of defective units from the lot;
- 2) "reworking" - the removal of defects from the units in the lot (eg. trim or candle);
- 3) "reconditioning" - the elimination of bacteria of public health significance by heat treatment.

When you have fully complied with all the conditions identified above and when the approved culling, reworking or reconditioning process has been completed, samples will be withdrawn by an Inspector to assess the acceptability of the lot and to complete the initial inspection. Failure to meet all the requirements identified above will mean that the results of the inspection prior to suspension will determine the acceptability of the lot.

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Inspector



New 31/01/89

**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 receiving 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 different from 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, (eg. candle or trim) or to reprocess the product such that the nature of the product is significantly changed.

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Inspector

**APPROVAL OF CULLING, RECONDITIONING OR REWORKING PROCESS**

Dear Sir/Madam:

The purpose of this letter is to confirm the date, location and conditions of the (culling, reconditioning or reworking) process to be conducted on (description of lot of fish):

- 1) the operation will take place on (give date) at (give address);
- 2) the operation will be performed under the supervision of (name of inspector) Fish Inspector;
- 3) (description of lot) will be (culled, reconditioned, or reworked) under the following conditions: (give conditions).

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Inspector

**THE INITIAL INSPECTION AND REINSPECTION PROCESS**

