

## **Appendix V**

### **Memorandum of Understanding Between the Canadian Food Inspection Agency ("CFIA") and the Department of Fisheries and Oceans ("DFO") and Environment Canada ("EC") Concerning the Canadian Shellfish Sanitation Program ("CSSP")**

#### **1. Purpose**

The CSSP is a shared responsibility of the Canadian Food Inspection Agency (CFIA), the Department of Fisheries and Oceans (DFO) and Environment Canada (EC).

This Memorandum of Understanding (MOU) recognizes:

- a) the purpose of the CSSP, which is to provide reasonable assurance that molluscan shellfish (hereinafter referred to as shellfish) are safe for consumption as food by controlling the harvesting of all molluscs within the tidal waters of Canada;
- b) the commitment that Canada has to the Bilateral Agreement between the United States Public Health Service and the Canadian Department of National Health and Welfare (now Health Canada), signed April 30, 1948, to improve the sanitary practices prevailing in the shellfish industries of the two countries;
- c) the respective responsibilities of CFIA, DFO and EC in delivering the CSSP in Canada, and CFIA's responsibility as lead agency for liaison with foreign governments; and
- d) the parties' mutual commitment to strive constantly to: enhance the efficiency and effectiveness of CSSP program delivery, address linkages to related issues, communicate and co-operate with each other and all stakeholders, conduct and/or participate in national and/or international audits, and take remedial action as required to implement improvements.

#### **2. Responsibilities of CFIA**

CFIA shall be the lead agency in the administration of the CSSP with regard to: the handling, processing, import and export of shellfish; the marine biotoxin monitoring program; and any other microbiological monitoring program not described in section 4 - "Responsibilities of EC".

CFIA shall be responsible for:

- a) inspecting and issuing certificates of federal registration to plants that meet federal regulatory requirements and are engaged in the processing, holding and export of shellfish;

- b) licensing fish importers and inspecting imported shellfish;
- c) administering the marine biotoxin monitoring program and any other shellfish micro-biological monitoring program not described under EC's responsibilities in section 4;
- d) recommending to DFO the closing of shellfish areas because of unacceptable marine biotoxin, microbiological and chemical levels in shellfish stock, and advising DFO when shellfish areas are acceptable for the harvesting of shellfish;
- e) reviewing referrals from DFO for the issuing of licences for harvesting from closed areas, for relaying or depuration purposes;
- f) maintaining records, data bases and other documents in support of marine biotoxin, microbiological and chemical closures, recommended closure actions, and administrative evaluations by internal and external auditors;
- g) ensuring proper application of prescribed analytical and reporting procedures in CFIA laboratories and private laboratories approved in accordance with the CSSP Manual of Operations, including adequate quality assurance, performance standards and quality control of the laboratory-generated data;
- h) ensuring proper application of prescribed sampling procedures by qualified parties, including adequate quality assurance and quality control of the collected samples;
- i) supporting DFO in its notification activity related to section 3(e), and providing or making available to interested parties information on program activities;
- j) implementing CFIA elements of jointly developed Management Plans for "Conditionally Approved" areas; and
- k) participating in the CSSP audit program, as well as in external audits by such bodies as Health Canada and the United States Food and Drug Administration.

### **3. Responsibilities of DFO**

DFO shall be the lead agency in the administration of the CSSP with regard to the harvesting of shellfish and shall be responsible for:

- a) opening and closing shellfish areas on the basis of :
  - i) classification recommendations from EC, based on the sanitary and bacteriological water quality of the shellfish areas, and agreed to by the regional Shellfish Area Classification Committees; and
  - ii) recommendations from CFIA on marine biotoxin levels, and microbiological and chemical levels in shellfish areas;

- b) posting, patrolling and enforcing shellfish closures in accordance with the Fisheries Act;
- c) controlling shellfish relaying operations and harvesting for depuration operations;
- d) implementing DFO elements of jointly developed Management Plans for "Conditionally Approved" areas;
- e) providing notification to CFIA, EC, stakeholders and other interested parties, on locations, boundaries and timing of harvesting closures and openings;
- f) maintaining records of the opening and closure of shellfish areas, as well as records of enforcement patrols, in support of reviews by external or internal auditors, and providing CFIA and EC with annual patrol enforcement activity reports;
- g) consulting with CFIA and EC prior to the commencement of any new developmental or exploratory shellfish fisheries, and/or the issuance of any new licences or permits thereto; and
- h) participating in the CSSP audit program, as well as in external audits by such bodies as Health Canada and the U.S. Food and Drug Administration.

#### **4. Responsibilities of EC**

EC shall be the lead agency in the administration of the CSSP with regard to recommending the appropriate classification of shellfish growing waters based upon the sanitary and bacteriological water quality conditions of the area, and shall be responsible for:

- a) conducting comprehensive sanitary and bacteriological water quality surveys of the shellfish areas in Canada, in accordance with the CSSP Manual of Operations criteria;
- b) from the surveys, determining the sources of point and non-point pollution, the degree of contamination and the extent of area contamination, and recommending the location of closure lines;
- c) recommending to the regional Shellfish Area Classification Committees specific classifications of growing areas and their boundaries, on the basis of survey results and the classification definitions in the CSSP Manual of Operations;
- d) maintaining records, data bases, sectoral maps, survey reports, central files and other documents in support of classification action and administrative reviews by internal and external auditors;
- e) ensuring proper application of prescribed analytical and reporting procedures in EC laboratories, private laboratories approved in accordance with the CSSP

Manual of Operations, and laboratories under contract to EC, including adequate quality assurance and quality control of the laboratory-generated data;

- f) ensuring proper application of prescribed sampling procedures by qualified parties, including adequate quality assurance and quality control of the collected samples;
- g) promoting pollution prevention, regulatory compliance, remediation and restoration of shellfish areas, together with federal/provincial/muni-cipal agencies and other stakeholders;
- h) supporting DFO in its notification activity pursuant to section 3(e), and providing or making available to interested parties information on program activities;
- i) upon request, providing to DFO available information on water quality for areas proposed;
- j) implementing EC elements of jointly developed Management Plans for "Conditionally Approved" areas; and
- k) participating in the CSSP audit program, as well as in external audits by such bodies as Health Canada and the U.S. Food and Drug Administration.

## **5. Administrative Arrangements**

The Assistant Deputy Ministers of DFO and EC and the Vice-President of CFIA hereby establish the Interdepartmental Shellfish Committee to implement this MOU. The Committee shall be composed of representatives of CFIA, DFO and EC, as designated by Directors General from both national headquarters and regions across Canada.

- a) The Interdepartmental Shellfish Committee shall meet as required, but at least once a year, to:
  - i) discuss the CSSP and review national shellfish-related legislative, regulatory, policy and procedural issues of mutual concern, including proposed amendments to the CSSP Manual of Operations;
  - ii) enhance communication and co-ordination of CSSP activities;
  - iii) create annexes to this MOU covering specific CSSP program delivery and operational issues of mutual concern;
  - iv) establish sub-committees and working groups as required to deal with specific issues, and develop appropriate policies and procedures for dealing with them;
  - v) advise senior executive management as required about the progress and effectiveness of the CSSP, and make appropriate recommendations;

- vi) receive presentations by provinces, shellfish industry and other stakeholders on matters that have impact on all parties, and provide appropriate interdepartmental/ agency response; and
  - vii) produce an annual report.
- b) The Interdepartmental Shellfish Committee Meetings shall be chaired on a rotating basis by each party, which shall be responsible for providing secretariat services. The meeting recommendations and the annual report on program delivery will be forwarded to the Directors General of CFIA and EC and the Assistant Deputy Minister, Fisheries Management of DFO, for review and approval.
  - c) The Interdepartmental Shellfish Committee shall also evaluate new integrated systems-based management/inspection approaches to the CSSP, and is committed to consulting with stakeholders on the new approaches and how such approaches may be funded.
  - d) Regional Shellfish Area Classification Committees shall be organized in each region of Canada where shellfish are harvested. They shall be chaired by EC, meet as required but at least once a year, and shall be composed of appropriate regional CFIA, DFO, EC and provincial government representatives. Stakeholders may participate in working groups and be observers and/or make presentations to the Committees on specific issues.

## **6. Implementation and Termination**

- a) This Agreement will come into effect on March 1, 2000.
- b) The operation of the Memorandum of Understanding shall be reviewed periodically by the Parties, and may be amended at any time by mutual consent of the Parties or terminated by any Party upon (90) days' advance written notice to the other Parties.

## **7. Review**

The President of the Canadian Food Inspection Agency, the Deputy Minister of the Department of Fisheries and Oceans and the Deputy Minister of Environment Canada may meet as required to review this Agreement.

**8. Signatures**

signed by P.S. Chamut  
Assistant Deputy Minister  
Fisheries Management  
Department of Fisheries and Oceans

13/04/2000  
Date

signed by Jean-Pierre Gauthier  
Assistant Deputy Minister  
Environmental Protection Service  
Environment Canada

02/05/2000  
Date

signed by André Gravel  
Vice-President, Programs  
Canadian Food Inspection Agency

13/04/2000  
Date