From: Derek Butler [mailto:dbutler@seafoodproducers.org]
Sent: April 19, 2018 2:06 PM
To: ~Fisheries & Oceans/Pêches et océans
Subject: Submission re Atlantic Canadian Commercial Vessel Length and Licensing Policies.

Attn House of Commons Standing Committee on Fisheries and Oceans

I have been following the Fisheries Committee work with interest related to the study on Atlantic Canadian Commercial Vessel Length and Licensing Policies.

I thought it worth writing to provide some additional thoughts and perspectives. ASP members buy raw material from the inshore fleet, and in what we view as a complete anomaly behind the founding and operational principles of workplace health and safety commissions, we also are mandated to pay the premiums for the this independent fleet, despite it not being our workplace. Vessel safety therefore matters to us.

First, PIIFCAF was announced in April 2007, at which time then Fisheries Minister Loyola Hearn made changes to policy to allow inshore vessels to increase in length. A joint federal-provincial release (note the contacts at the bottom of the release, hosted on the provincial website) at the time PIIFCAF was announced said:

"Flexibility on vessel size through creation of three new vessel classes (core licence holders currently operating vessels less than 35 feet in length will be permitted to move to vessels up to 39’11"; those operating vessels in the 35 to 65 ft range will be permitted to move to vessels up to 64’ 11"; those operating in offshore waters up to 230 miles from shore will be permitted to move to up to 89’11" in length.)"
These changes were in part, to my understanding, premised on the work that had been done by an engineering professor/naval architect at Memorial University in St. John's, Dag Friis, but to my recollection the government ignored the main findings about the best vessel lengths for safety, efficiency, etc. (and what bureaucrat can say a vessel is safe at 231 miles but is not permitted for 229 miles? I would argue that 229 miles is also offshore). I have the study he did from 2006, which DFO was a party in contracting, but I have been asked not to circulate.

If they have not done so already, it might be instructive if the committee staff or Library of Parliament could dig out some of his other work, in particular the work that preceded the new vessel lengths announced in 2007. He had a paper published in 2006 I think, and gave a talk in 2006 or 2007 titled "Redesigning fishing vessels for today’s changing fishery." Another paper is attached, after the PIIFCAF policies were announced.

Dag is also cited in this CBC story saying the vessel length restrictions are inappropriate to the industry and the waters people fish in. Everything has changed in the industry, including how far from shore people fish, amount of fish carried, nature of equipment on boats, booms, hold sizes, etc. That change in distance from shore, and the increase of accidents in the 35 to 65 fleet in particular, is referenced in another study by MUN. It also references a 2000 study by the Canadian Coast Guard that noted "SAR incidents increased between 1993 and 1999 and were highest in the 35- to 45-foot length class; the mean distance of activity from shore has noticeably increased for the 35- to 45-foot and 45- to 65-foot length classes.” The fishery has changed, but government has not.

A cursory search came up with this paper (also attached, and Dag is one of the authors) which says vessel lengths were originally implemented for vessels that fished truly 'inshore', i.e. 12 miles but that the changes failed to keep up with the changes in the nature of the fishery.

"This paper deals with the fleet that is referred to as the inshore fleet, i.e. vessels that during most of this period were limited to being less than 19.812m (65ft) in length overall. These vessels were generally restricted to operating inside the twelve mile limit when the regulations limiting vessel length were first brought in. A large number of these vessels were limited to fishing a single species prior to the cod moratorium that was brought in 1992. After the moratorium most of the larger boats in the fleet were forced to fish significantly farther from shore and for fish multiple species. A significant number of the larger boats now fish 150 to 250 nautical miles from shore."

The full paper is worth reading.

Finally, representations have been made to the Committee regarding the FFAW/Unifor in NL as the certified bargaining unit for the harvesters in the province. Provincial legislation and the Union's certification are are for the purposes of collective bargaining in prices and conditions of sale for raw materials. The Union was not certified - and could not have been - to be the designated client of fish harvesters to the federal Department of Fisheries and Oceans. In testimony of Feburary 15th we read the following:

Ms. Jacqueline Perry: In the Newfoundland and Labrador context—Mr. McDonald is absolutely right—we have an organization called the Fish, Food and Allied Workers Union, who have been the certified bargaining agent of inshore commercial fishermen for many years. They do not have the only say—far from it. We engage with harvesters directly. They, of course, bring a perspective to the table. It is their organization—

Mr. Larry Miller: The unions do...?

Ms. Jacqueline Perry: The Fish, Food and Allied Workers Unionin Newfoundland and Labrador is the certified bargaining agent.

Again, this certification is not valid in terms of DFO's consultations obligations with their clients, the harvesters. That obligation is clarified on page 13 of the evidence of that day, where we read "The FFAW is certified under provincial legislation to represent inshore harvesters, for the purposes of price negotiation." Nothing, in my view, replaces DFO's obligations to talk to all its clients, in and out of the union. The minute someone has a license, they are a client.

My congratulations to the Committee for undertaking this important work.

Kind rgds,
Derek Butler