



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

43rd PARLIAMENT, 2nd SESSION

---

# Standing Committee on Fisheries and Oceans

EVIDENCE

**NUMBER 028**

Monday, May 3, 2021

---

Chair: Mr. Ken McDonald





## Standing Committee on Fisheries and Oceans

Monday, May 3, 2021

• (1535)

[English]

**The Chair (Mr. Ken McDonald (Avalon, Lib.)):** Good evening, everybody. I now call the meeting to order.

Welcome to meeting number 28 of the House of Commons Standing Committee on Fisheries and Oceans.

Pursuant to Standing Order 108(2) and the motion adopted on April 21, the committee is meeting on its study of frozen-at-sea spot prawns.

Today's meeting is taking place in a hybrid format, pursuant to the House order of January 25. Therefore, members can attend in person in the room or remotely using the Zoom application. The proceedings will be made available via the House of Commons website. Just so that you are aware, the webcast will always show the person speaking rather than the entire committee.

For those participating virtually, I would like to outline a few rules, to follow.

Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice, at the bottom of your screen, of either the floor, English or French. With the latest Zoom version, you may now speak in the language of your choice without the need to select the corresponding language channel. You will also notice that the platform's "raise hand" feature is now in a more easily accessible location on the main toolbar, should you wish to speak or alert the chair.

I would now like to welcome our witness for today.

We have, from the B.C. COVID-19 Active Fishermen's Committee, Jim McIsaac, managing director; from the Pacific Prawn Fishermen's Association, Michael Atkins, executive director; from the Prawn Industry Caucus, Emily Orr, lead representative; and from the United Fishermen and Allied Workers' Union-Unifor, James Lawson, president.

We will now proceed with opening remarks.

Mr. McIsaac, you can begin, for five minutes or less, please.

**Mr. Jim McIsaac (Managing Director, BC COVID-19 Active Fishermen's Committee):** Thank you very much for the invitation to speak to you today.

I come to you from my home in Sidney, on the traditional territory of the Coast Salish peoples on Vancouver Island.

I wear several fisheries hats, including the secretariat of the B.C. COVID-19 Active Fishermen's Committee.

My heritage is Scottish: on one side from a fishing community in the Orkney Islands, and on the other a farming community in southern Ireland. The fishhook dates back at least 22,000 years. It predates the plow by millennia. Fishing runs deep in our collective DNA.

I grew up fishing on the B.C. coast in recreational, commercial and food fisheries. I have fished from Portland Canal on the Alaska border, to Juan de Fuca Strait, out to Rennell Sound on the west coast of Haida Gwaii, and into Tribune Channel in Knight Inlet, and I have commercially fished prawn.

Fishing paid my way through university where I studied mathematics, physics and philosophy. Since leaving university, I have co-authored a number of fisheries research papers. The latest one, on access rights, went to print last week. I have also been involved in multiple advisory processes: shrimp, crab, groundfish, herring and salmon.

The COVID-19 Active Fishermen's Committee is made up of 26 members and reports out to 150. It has held over 50 meetings since the pandemic broke. It works in four areas, trying to ensure that fisheries and harvesters survive COVID. They are relief programs, market support, flexibility and fisheries management, and health and safety community protocols.

In late January, we were made aware that tubbing, the freezing of prawn tails at sea in tubs of water, had become an issue for DFO. Certainly, we thought this was a mistake.

This issue had not been raised by DFO in the last prawn advisory board meeting last November. In fact, it hadn't been raised as a major issue going back in all the records we checked. The practice of tubbing has been used to sell prawns locally for the last 50 years.

We invited DFO to the COVID meeting on February 10 to discuss the issue. Prawn fishermen told DFO of the importance of this market and about the need for clarity now, especially when we're ordering tubs and taking orders, for what may be characterized as an illegal product. DFO responded that they had heard us loud and clear, that they were working on a solution, but they couldn't commit to a definitive answer or a timeline.

DFO attended our committee meeting two weeks later, February 24—no change, no clarity, no means for compliance offered. Even worse, it wasn't clear if there was any regulatory room to collaborate to find a solution that would allow tubbing this year. They could not provide any definitive answer on where this was going.

A small group met with DFO on March 10. We discussed the legal opinion. DFO had their own legal opinion that did not agree, and it could not be shared. We met again on March 26 where we discussed written industry protocols, which DFO characterized as helpful interim guidance. DFO was clear, at least to the extent they could be, that there were two issues that were not compatible with tubbing: minimum prawn size as set out in the IFMP; and “readily determinable” as set out in the general fisheries regulation.

We pretty much begged them to lay out a means for compliance. They would not do this. In short, they do not believe that tubbing can meet the regulations as they are now written. They have been equally clear that C and P action this year would be to inform and educate, and enforcement would be at the discretion of the officer. Next year, there will be no discussion; it will be enforcement.

One estimate says 600,000 pounds of tails were sold in tubs in 2020. At \$15 a pound, this is \$8 million to harvesters. The average price when sold to processors was \$4 a pound. That's more than a 50% loss in income.

Because of COVID, the public is really interested in local food. Connoisseurs have flocked to spot prawns. We expected the tub market to grow again this year.

What is clear is that DFO thinks it is necessary to eliminate tubbing in the future. There is no doubt that this will directly impact harvester viability.

DFO also wants to eliminate IUU fishing—so do fishermen. Does DFO consider stopping direct sales the easiest way to stop IUU fishing? I don't know. Instead of stopping tubbing, DFO should be supporting legal catch getting into local markets.

Putting a legitimate fishery on the line to stop an illegal fishery is a bizarre management strategy. It's amazing that any harvester can survive under this existential threat from the regulator.

Thank you for listening.

● (1540)

**The Chair:** Thank you, Mr. McIsaac. That was almost dead on the five minutes.

We will go next to the Pacific Prawn Fishermen's Association.

Mr. Atkins, when you're ready, you have five minutes or less, please.

**Mr. Michael Atkins (Executive Director, Pacific Prawn Fishermen's Association):** Thank you, Mr. Chair.

Good afternoon, fisheries standing committee members.

My name is Mike Atkins. I'm the executive director of the Pacific Prawn Fishermen's Association. The PPFA is a non-profit organization with an elected board that represents the 245 commercial prawn licence-holders, 25% of which are first nations.

I am here today to inform you of a drastic reinterpretation of the fishery general regulations by some DFO Pacific region staff, and we are urging you to recommend to the Department of Fisheries and Oceans that the reinterpretation is flawed.

The issue is these tubs right here: one pound of tails in a plastic tub. The DFO Pacific region has recently deemed that the freezing of prawns in a one-pound tub is no longer compliant with subsection 36(2), which states:

No person who catches and retains a fish under the authority of a licence issued for the purpose of commercial fishing shall have...fish in possession if the fish is skinned, cut, packed or otherwise dealt with in such a manner that...

(d) where size limits are applicable, the size of the fish cannot be readily determined.

The PPFA, based on legal advice—which I have attached—is of the view that the size of prawns packaged in tubs can be readily determined. Upon immediate inspection of the tub, many of the prawns can be measured in their frozen state, and the remainder can be easily thawed in less than two minutes and 30 seconds, thus meeting the requirement of “readily determined”.

I tried to share a video and was told that it wasn't possible, but the video is titled, “Thawing frozen prawn tails with a deck hose”. It can be found on YouTube, and it shows us doing just that, thawing a full tub of prawns in less than two minutes and 30 seconds.

The practice of freezing prawn tails in tubs of seawater has been employed for 50 years, and it was endorsed by the DFO at the time of its introduction. The prawn fishery lands approximately \$45 million worth of product each year and provides hundreds of well-paying jobs. The inability to freeze prawns in tubs would have serious economic consequences to the fishery. The harvest of undersized prawns is not a conservation issue, and this is supported by a peer-reviewed science paper by DFO staff. The minimum size is in place for economic reasons, which is why there is no size limit in the recreational prawn fishery, only in the commercial fishery. Again, I've attached supporting documents for your reference.

The PPFA is working co-operatively with the DFO Pacific region to resolve this issue. The PPFA has developed a set of industry protocols—once again attached—that will allow the practice of tubbing to continue for this year. However, we have been told that it is not a long-term solution. The practice of tubbing is key to market demand and the financial sustainability of the fishery, and there is no appetite from industry to discontinue the practice.

Thank you for your time, and we hope that you share our interpretation and the previous DFO interpretation that freezing prawns in tubs does meet the definition of “readily determined”.

Thank you.

• (1545)

**The Chair:** Thank you, Mr. Atkins.

We'll now go to the Prawn Industry Caucus.

Emily Orr, you have five minutes or less, please.

**Ms. Emily Orr (Lead Representative, Prawn Industry Caucus):** Thank you very much.

My name is Emily. I am the lead representative of the Prawn Industry Caucus. I'm also the business agent for the United Fishermen and Allied Workers' Union, a director for the commercial fishing caucus, and a member of the COVID-19 Active Fishermen's Committee.

I have fished prawns commercially for 12 years. I began with my father when I was 19, and worked my way up to running the boat myself, so I do have some experience prawn fishing and prawn tubbing. I have fished in other fisheries as well, but prawn remains dear to my heart.

I am very privileged to be here to represent active commercial prawn harvesters, and the work of the PIC is advocacy and representation for harvesters.

As we've heard already today and over the past few months, this reinterpretation by DFO of prawn tubbing—that it no longer meets its definition of what “readily determined” looks like—is incredibly troubling to this industry and the Canadian public.

The interference with the general community's access to a common property resource by buying seafood harvest directly from the vessels is an attack on the basic foundation of the community, which is access to food from the food producers. We are very much hoping to have some logic and reason brought to this issue, and we're very grateful to this committee for taking time to focus on this issue.

Given that there's been a lot of detail provided already about how we've arrived at this issue, and what the timeline has been since learning of the DFO's reinterpretation, I'll focus my comments more on what this reinterpretation would do to impact commercial harvesters.

The fishery is typically quite short and lasts only 40 days. Harvesters that can freeze prawn tails for sale to the domestic market have the ability to prolong their income, and achieve a greater price per pound than what is paid by the wholesale market. That increased profit is due to the additional time and effort that is re-

quired to package those prawns in smaller portions, as compared to a wholesale offload that is happening daily in the live market, or for bulk loads of frozen product that is going overseas.

That connection to community that is also achieved by local people being able to purchase prawns directly from their harvesters is really important to the fishing community, and it's important to the people who live close to the docks that they're able to access that food.

When we talk about the longevity of the income, in terms of spreading the opportunity across a year outside of that 40-day season, it's really important to consider that many harvesters, especially in the last couple of years, have been faced with very low prices for wholesale prawns. When they're able to sell individual tubs to the community members, they're achieving a much greater profit for their product.

This last year has definitely saved many harvesters, allowing them to go to either breaking even or to actually being able to make a profit. Some harvesters have come to me and told me that if they had not been able to sell their frozen prawn tubs over the winter to their community members, they would have gone backwards.

There's a terrific cost to going fishing. To make a profit, several thousand pounds need to be caught right off the bat in order for the expenses to be looked after before anybody will make money. Being able to sell prawns, frozen in tubs, is something that is incredibly critical to the viability of fish harvesters.

In this situation, we're very much hoping for a review of this reinterpretation and one that can provide an avenue for us to support C and P in its responsibility to uphold the regulations, and one that also accepts the freezing of prawn tails in tubs.

We have proposed that a condition of licence be added that defines what “readily determined” means, and then provides wording that would request, and require prawn harvesters to thaw tubs of prawns in a set amount of time—less than five minutes, for example—upon an inspection request by C and P.

We feel this is a very reasonable way forward to resolve this for everybody and for all parties to move on, and we're very much hoping the work of this committee will facilitate that.

Thank you very much.

• (1550)

**The Chair:** Thank you, Ms. Orr.

We'll now go to the United Fishermen and Allied Workers' Union-Unifor.

Mr. Lawson, welcome back to FOPO. You're up for five minutes or less, please.

**Mr. James Lawson (President, United Fishermen and Allied Workers' Union – Unifor):** Thank you for this opportunity to speak today.

My name is James Lawson. I'm president of the United Fishermen and Allied Workers' Union-Unifor, a representative of the Prawn Industry Caucus and a prawn fisherman.

DFO's mandate includes maintaining the sustainability of fisheries and working with fishers to enable continued prosperity from fish and seafood. Prawn tubbing is not a sustainability issue, and it is in direct opposition to enabling our prosperity and the prosperity of others who purchase our prawns.

As a prawn fisherman, I adhere to regulations, including trap limit, minimum mesh size, daily single hauls, time and area closures and the spawner index, to maintain the sustainability of the stock. When a trap comes aboard, if a small prawn hasn't already escaped through the appropriately sized mesh, it goes onto a grading table, where we handle each individual prawn to ensure that it's not bearing eggs and is of appropriate size. We also sort out the other species, if present.

Measuring devices are always close at hand. We put in great time and effort to make sure that we provide a quality product and maintain the sustainability of our stocks. We don't want to keep undersized product. We certainly don't want to have it aboard for a week or more, risking penalties.

If conservation and protection wanted to exercise their right to board my vessel and check for undersized prawns, they would have ample opportunity. It could be done using a sample off the grading table, taking a sample out of the live tank, taking an unfrozen tub off the freezer plates, or thawing a frozen sample in little to no time using a deck hose, kettle or hot water from a tap. It's insulting that conservation and protection could look past all of this to reinterpret the general fisheries rule for just one fishery, and then say these penalties are at the discretion of officers for the season. It will be a great risk to process in this manner without DFO officially stating it will be legal to tub prawns this year.

I encourage industry-made solutions, but this issue has many small and simple solutions. It feels like we are being coerced in the making of binding decisions ourselves. I do not think enforcing a tub ban would stand in a court of law. I think it would be a big waste of everybody's time and money. The solution could be as simple as a reasonably sized transparent container.

Is there nothing to be said for precedence? This has been done for decades without problems. There was no recent spike in undersized prawn infractions that would be cause for reinterpretation. You'll do nothing but hurt the markets of prawn fishermen. Frozen tubs sold in my hometown were my most valuable product last year, beating my most valuable export prawns by four dollars a pound. Many fishermen, including me, were planning to tub a lot more this year to provide more prawns to our home communities. People are willing to pay a good price for superior product when they know who caught it and where it came from, and know that it's not an inferior product imported and found on a grocery store shelf.

Prawns have always been valuable in local markets. They were further explored as a viable option last year in response to the

COVID pandemic creating export market uncertainty. I don't know the official figures, but local tub sales were said to grow tenfold compared with previous years. This is a great success story of local seafood being available to local markets. It is economic prosperity. It is food security. It humanizes us and makes us proud to be able to provide for people we know, giving a visible attachment to our labour.

If prawn-tubbing is taken away, it means British Columbians may only be able to access prawns in season, if they live close to a boat who's delivering live to the dock, or from a restaurant who is buying live prawns, or obtaining some sort of poorer-quality frozen product. People like to eat prawns year-round. The best way to preserve them is frozen in tubs of sea-water. That is the superior product that restaurant owners will purchase for their meals outside of May and June.

Taking tubs away leaves us only with the export market for vessels who freeze at sea. There are many examples of how that can hurt the bottom line of fishing businesses when the primary market is not favourable, as it now due to the pandemic. It is strange that DFO is presently considering a date change based on availability of local markets while simultaneously taking away another.

This proposed ban is not about sustainability. It is not working with fishermen to enable the continued prosperity of us or those who rely on or enjoy the product. It is of detriment to food security. It singles out one fishery in a long-standing regulation. Let us be a success story with a strong local market. What is happening is not right. It serves only to devalue catching prawns and make them unavailable to us.

I'd like to end this before it even begins.

Thank you.

• (1555)

**The Chair:** Thank you, Mr. Lawson. You were right on time.

I will say, Mr. Lawson, that the interpreters were having some trouble hearing you properly. Fortunately, I think they did have your written statement, so they were able to do the translation.

For the question round, the interpreters are suggesting that if you turn off your iPad or laptop video and just leave on your sound, they might be able to pick up the sound better and be able to translate appropriately.

That concludes our testimony. We'll now go to questions by members of the committee.

Mr. Bragdon, you have six minutes or less.

**Mr. Richard Bragdon (Tobique—Mactaquac, CPC):** Thank you, Mr. Chair.

Thank you to each of the witnesses for your testimony, insight and expertise.

I can't help it, Mr. Lawson, but seeing you actually on the boat while you're doing testimony before committee, there's just something that seems so right about that. Anyway, good job, and thanks for taking time for doing what you do best to talk to us here at committee. We appreciate it.

I want to start with a question. It can go to each of the members before the committee.

I would be interested in your perspectives. The change in the interpretation seems to be felt, as we've heard testified, right across the industry and across the sector. Have any of you been consulted by the minister or DFO before this change came about? As part two of that, were you given any advance notice that they may be looking at reinterpreting the regulations?

I'll go across the panel with that. I can start with you, Mr. McIsaac, and then work across.

**Mr. Jim McIsaac:** I would say no—no prior knowledge of this and no consultation prior to the change being made.

**Mr. Richard Bragdon:** Okay.

Ms. Orr.

**Ms. Emily Orr:** Thank you.

It was quite a shock to hear about it. I heard about it more as a rumour. It was unconfirmed what DFO's position or intention was until we were able to work towards a meeting.

Once I heard that it was in fact true that DFO was looking to interpret the regulations, I pulled up the prawn advisory board reports from the past three years. At no time has C and P delivered any specific report or flagged this matter for the prawn advisory board to review, nor have they flagged the issue of retention of undersized prawns as something at issue, so this comes, as you might imagine, as quite a shock.

• (1600)

**Mr. Richard Bragdon:** Thank you, Ms. Orr.

Mr. Atkins.

**Mr. Michael Atkins:** Yes, I can provide a bit of clarity on what exactly happened.

The PPFA, along with C and P and fish management, had developed a committee to discuss traceability and ways to limit illegal product entering the marketplace. It was during our fourth meeting, a few months in, when the fishery officer asked about the tubs. It was at that time, on the following day, that we were notified that this regulation was being reinterpreted, and that was the issue. It came up organically. There was no warning whatsoever and really

was frustrating when we were at the table to do great traceability work for the industry.

**Mr. Richard Bragdon:** Thank you, Mr. Atkins.

Mr. Lawson.

**Mr. James Lawson:** No prior warnings for me: It came as quite a shock.

**Mr. Richard Bragdon:** Okay.

I see, Mr. McIsaac, that you have your hand back up. I'd be glad to hear from you again.

**Mr. Jim McIsaac:** I have just one comment. I've been made aware there has been some enforcement action on exactly this with the recreational sector recently in the last six months. I'm not sure if that is behind this.

It was for a recreational fisherman who had frozen his prawns in tubs. I don't think there was any intention to sell that in the market, but that was how he had saved his prawns. He was told that was not correct and was charged with that. That might be something that's also driving this.

**Mr. Richard Bragdon:** Thank you.

Ms. Orr.

**Ms. Emily Orr:** Thank you.

It may be helpful also to note that C and P does provide, in the post-season review meeting, a report to the prawn advisory board numbering how many violations they've found in the season.

For 2020, there was no reference to retention of undersized prawns. In 2019, there were eight categories of violations encountered. Prawn size is listed as one of them, but with no reference as to whether it was frozen-at-sea prawns or live prawns or prawns found at a fish processing facility.

That's to give some context to this and how we're presented with that information.

**Mr. Richard Bragdon:** Okay. Thank you, Ms. Orr.

For each of you, have you reached out to DFO or to the minister's office? If so, have you received a reply or a justification for the decision? Have you heard back from either DFO or the minister regarding that?

We're starting with you, Ms. Orr, and we'll work from there.

**Ms. Emily Orr:** Thank you.

We did speak with DFO on this. We have been requesting meetings and speaking with Neil Davis and discussing the issue. We did write a letter to the minister as well to request assistance in bringing resolution and some logic to this issue.

What we've been told is that for this year, DFO is willing to overlook the regulation in terms of not finding violations for prawn tubbing, but that after this year, there will be no more grace period. The response we've been given is that we're allowed to tub this year, but not after that, and that's sort of the end of the conversation in that regard.

**Mr. Richard Bragdon:** They're still providing uncertainty.

Mr. McIsaac, do you have anything you'd like to add on that?

**Mr. Jim McIsaac:** We worked with the region for a couple of months trying to get some kind of resolution with them and some kind of means for compliance on that. Not seeing that, we reached out to the minister's office. They came back and said, basically, that it would be pretty much status quo for this year and that there would be work with the sector over the coming year to bring something different in for next year.

In saying it's status quo, they did say that it would be at the discretion of the C and P officer as well.

• (1605)

**The Chair:** Thank you, Mr. Bragdon. You've gone over your time, actually. We'll have to continue on.

I want to say before I go to the next questioners, it was great with Mr. Bragdon recognizing each individual who he wanted to answer the question. It makes it a lot easier on the witnesses if you do that. Just keep that in mind.

We'll now go to Mr. Hardie for six minutes or less.

**Mr. Ken Hardie (Fleetwood—Port Kells, Lib.):** Thank you, Mr. Chair.

It's good to see some old friends here.

We'll start with you, Mr. McIsaac. You mentioned the Portland Canal. I remember being up there. It was the first time I ever saw phosphorescence in the water. It was a night with a full moon and all the rest of it in the Portland Canal. It's something special that I don't think a lot of people have had a chance to do.

The discussion here and the way it's come down so far takes me back a few years to that other study we did back in the last Parliament about sharing the wealth. I'm starting to suspect that the business of tubbing and the process by which the prawn fishers are supplying directly to the consumer must be a problem for the processors. They must be losing out.

**Mr. Jim McIsaac:** Do you want me to answer that?

**Mr. Ken Hardie:** Yes, I do.

**Mr. Jim McIsaac:** From what I laid out there, it's pretty obvious that harvesters make more money when they can sell direct and shorten the supply chain. It's significant, there's no doubt about that. In this case here, it's at least 50% less by selling through a processor. That's obvious.

That being said, I've spoken with a number of the processors over the last three months. I would say that this is not being driven by processors. That's kind of the view that I would say, from speaking directly with processors and folks on that side.

**Mr. Ken Hardie:** I appreciate that. Thank you, Jim.

Ms. Orr, in all of the discussions after the initial surprise and shock of the DFO restructuring its policy, I had heard that regulations had been in place since at least 1979. Everybody was quite content with allowing the tubbing process to go through because no immediate issue evidently came up during that time. I'd heard that, in fact, tubbing has been a fact of life in the industry for 50 years at least.

What explanation did they give you for this sudden mistrust of the ability to measure the size of prawns?

**Ms. Emily Orr:** Thank you.

I'm not sure we've been given an explanation for why now. You're quite right; the practice of tubbing has gone on for 50 years.

I speak quite frequently with the retired DFO prawn manager, Mr. Jim Morrison. He relayed to me that when the minimum size regulation was brought in, C and P was well aware of the practice of tubbing and that it posed no issue whatsoever. In fact, DFO cooperatively introduced a telson length measurement that would support the ability of C and P to measure frozen prawn tails when they're missing the head portion of the body.

These conversations, which reach back more than a couple of decades, offer us a bit of a glimpse into the context of how this initially came to be. As for why DFO is now looking to take a new view on the tubbed prawns...we're all scratching our heads, so I appreciate the question.

I just wanted to quickly answer the previous question as well. It should be important to note that most communities are not capable of absorbing the full daily catch of the prawn vessels that come into port. I don't believe that the buyers have much at risk in terms of the volume that may be diverted to the tub market. In consideration of what is landed, it's a smaller amount for sure.

The value is where the fishermen can achieve a higher profit in those smaller boutique-style sales and the difference that makes to their personal income.

**Mr. Ken Hardie:** James, I have a question for you. Historically, have there been many infractions for undersized prawns registered in the course of a season?

**Mr. James Lawson:** No, not that I'm aware of. There's only one reason I can think of for this coming up. If a tub is illegal, whether it's rec, FSC or commercial, it's really easy to regulate. However, if that's the concern and it's happening now, it's pretty easy to figure out who's going to fill that market if you take away the legal tub sales.

• (1610)

**Mr. Ken Hardie:** Who is going to fill the market if you take them away?



**Mr. James Lawson:** It will be the illegal sales.

**Mr. Ken Hardie:** Fair enough.

Mr. Atkins, there still seems to be a lack of confidence among the participants in the fishery this year that if they go out some officer isn't going to exercise certain discretion. They could still end up being charged. Does that situation exist?

**Mr. Michael Atkins:** Absolutely, and very much so. Without a clear answer from DFO, it's really hard for the fishermen. Being told that officers will simply be doing education and that, at their whim, they can choose to charge or not is very unnerving for fishermen.

**Mr. Ken Hardie:** How much time do I have left, Mr. Chair?

**The Chair:** You don't have enough to ask a question.

**Mr. Ken Hardie:** Well, there you go.

**The Chair:** We'll now go to Madame Gill, for six minutes or less, please.

[*Translation*]

**Mrs. Marilène Gill (Manicouagan, BQ):** Thank you, Mr. Chair.

I thank all the witnesses who are with us today.

I have several questions. I see that no one has been consulted. There has been very little exchange of information or discussion.

Do you have any idea why you may be asked, under the new interpretation of the regulations, to discontinue this activity? Do you have a hypothesis about that? We can ask questions of the people involved.

My question is addressed to all of the witnesses.

[*English*]

**Mr. Michael Atkins:** We have had an opportunity to speak with DFO, but there are really no answers at all. What's even more disappointing are responses like, "You guys should investigate freeze-drying prawns or another method of preserving them." There's no appetite from the industry. The value would be so much lower. These are some of the world's most sought-after species of prawns and that would really damage our image, our brand and the industry.

[*Translation*]

**Mrs. Marilène Gill:** Mr. McIsaac, do you have anything to add?

[*English*]

**Mr. Jim McIsaac:** I think exactly the same. We have had an opportunity to question the department on this and their answers have been lacking. They have not clarified what made them reinterpret this regulation in such a way that 50 years of practice has gone out the window. We do not understand that. We do not understand the legal interpretation they have on this. We do know that there has been concern about the illegal, unregulated, unreported fishery and poaching getting into the market, but we think this is a bizarre way of trying to address that.

[*Translation*]

**Mrs. Marilène Gill:** You're probably thinking that this will solve absolutely nothing, given that you don't even know the reasons why

this decision was made. What always surprises me—and I've seen this in other situations—is that the response from the Department of Fisheries and Oceans, or rather their instruction, is so late. You're notified a couple of weeks before the fishery starts that it's not going to be done the same way.

How will this affect you?

I'm talking about the delay, but you are given a reprieve until 2022. I guess this is a concern for the industry. Is the industry weakened by the fact that you don't have an answer or certainty about the future of the spot prawn fishery?

[*English*]

**Mr. Jim McIsaac:** Yes. If you're a small operator, you make investments, you build a business plan around your fishery. Part of that business plan might be putting a freezer onto your boat; that's \$50,000, \$60,000 or \$70,000. The intention is to go to the central coast and tub prawns and market that directly.

It takes a couple of years to pay off something like that. It's not a small investment for a small operator. Independent harvesters are small operators. This is a big deal, and it's not something.... DFO is telling us now to forget about it next year. People have invested in this kind of approach and the fishery as a whole to have this as their major structure in their business plan.

It's definitely difficult to change your business plan once you've invested in that and the entire plank of your business plan is gone.

• (1615)

[*Translation*]

**Mrs. Marilène Gill:** Ms. Orr, the floor is yours.

[*English*]

**Ms. Emily Orr:** Harvesters are very upset at the idea that this may impose on their ability to sell prawns this year. Without much clarity from DFO, you can imagine the frustration level.

Some harvesters have community-supported fisheries where they pre-sell portions of their catch, and were wondering if they were going to have to pay back those customers in advance without the ability to provide the product they had agreed to.

Many harvesters purchased the supplies to tub the prawns and have specially developed labels referring to their vessel number and date of catch, that sort of thing.

I supported the work of many harvesters to expand their business model to sell frozen prawn tails last year as a reaction to the COVID disruption of markets. Websites were put up and marketers hired and people were becoming much more responsive to the community's demand, which we were working very hard with the province to increase, by being able to help stabilize some of these prawn harvesters' bottom lines as against the difficulties COVID brought on them.

With all the work and the effort gone into trying to support harvesters in being able to expand their domestic sales and sell to their local communities, harvesters were furious and so confused and very stressed to think that this entire part of their business model might be out the window.

**The Chair:** Thank you, Madame Gill. Your time is up.

We'll now go to Mr. Johns for six minutes or less, please.

**Mr. Gord Johns (Courtenay—Alberni, NDP):** Great, thank you, Mr. Chair.

I want to thank everybody on the committee again for fast-tracking this very important study.

Mr. Atkins, I was talking to a former fisheries officer who is baffled at why this would happen. In the 1970s and 1980s, he said they always took a collaborative approach, working with the industry. In fact, it was industry that came forward with the recommendations on the size of the prawns because of the market. He said that the conservation was done by the spawner index.

Can you tell us a bit about how the spawner index works and how it doesn't have anything to do with size in terms of conservation?

**Mr. Michael Atkins:** Yes, thank you.

The spawner index is a tool to ensure that a certain number of females are left in the water to reproduce and spawn for future generations. That is the primary tool, and as James said, there are other tools, such as mesh size, single haul limits, and all these things to help sort product underwater, and that's the key there.

This whole issue comes down to the definition of "readily determinable". Nobody at DFO has been able to provide us with a definition, and our lawyer—and we supplied the testimony there—has suggested that it does meet the definition. It's a very confusing statement, yes.

**Mr. Gord Johns:** Given that it would only take five minutes to pour a hose over a tub—

**Mr. Michael Atkins:** Two and a half—

**Mr. Gord Johns:** Two and half.... That sounds pretty readily available. The size, I think that comes back to that piece as well.

Is there any benefit to a fisher to have small prawns? Wouldn't that hurt your market when you're selling? Can you explain a bit about how that plays out if you have too many small ones?

**Mr. Michael Atkins:** Absolutely.

There's very little market for small prawns. The market, the price, everything is driven by the size of the prawns. The larger the prawn, the higher the price.

Fishermen don't want to fill the market with these smaller, medium prawns. They can simply be returned to the water and be caught later in the season or the next season at the next size up. There's really no market for the small prawns.

• (1620)

**Mr. Gord Johns:** On this definition of "readily determinable", maybe, Mr. McIsaac, you could speak a little bit about how this

could end up playing out and actually impacting other fisheries—say, a fisher in the hold of a boat.

Could you talk about just how this might spread out and how DFO could just turn around and say this could actually impact another species?

**Mr. Jim McIsaac:** Yes, it has that potential of spreading across multiple species. We don't understand exactly what they're seeing here and the implications of this. Hake, here on this coast, is frozen in totes at sea.

What does that mean—put that offline? They're telling us not.... You fill a hold full of 50,000 pounds of fish. The officer walks on-board the boat. He can't see the fish at the bottom. Are you supposed to unload your entire hatch for him? What does this actually mean here?

Yes, there are some big questions.

**Mr. Gord Johns:** Thank you.

Ms. Orr, can you talk about the supply chain? We're hearing from restaurateurs, people in the tourism sector, community market organizers. The whole coast seems united in standing with the prawn fishers.

Can you talk about the implications not just for to the prawn fishers themselves, but also for the whole coastal economy?

**Ms. Emily Orr:** Thank you.

Prawns in B.C., dare I say, are becoming almost like what lobster is to the east coast. There's a tremendous growing and existing fan base for access to our local sustainable catch of prawns. Restaurants are proud to feature them. They're celebrated as sustainable both internally by DFO and externally, where they're certified by places such as Ocean Wise, Monterey Bay Aquarium. These make them a very attractive product for restaurants, especially for forward-thinking restaurateurs to be highlighting that type of seafood on their menus.

When we look at interfering with the availability of that product to restaurants and making it almost unavailable to tourism, we've basically looking to take apart decades' worth of work to showcase something that we should be very proud of in terms of sharing this common property resource and celebrating it with the people in B.C. and the people who come to visit here.

**Mr. Gord Johns:** Thank you.

Mr. Lawson, you fish from a remote community. Can you talk about how this new reinterpretation has an impact on remote and especially indigenous communities? How impossible would it be for some of those communities to get their prawns to market without tubing?

**Mr. James Lawson:** It would be impossible. I'm sure I could probably arrange with the fish company to come to take the export prawns, but without tubbing I have no way to access a local market. I'm pigeon-holed into exporting only. I was extremely lucky that I had lots of local people in Campbell River who wanted to buy prawn tubs off me, because it was so much more valuable than my export market prawns. It really boosted my business and kept me viable.

We're in a position now where without urgency and transparency from DFO, we can't solve the problem. It's a season loss for me to get sent in or to be investigated from my remote fishing grounds. The safer option is to devalue my product after already setting up for tubbing and, yes, go into exporting only. I have to devalue myself to be safe now.

**The Chair:** Thank you, Mr. Johns. Your time has gone over a bit.

We'll now go to Mr. Arnold for five minutes or less, please.

**Mr. Mel Arnold (North Okanagan—Shuswap, CPC):** Thank you, Mr. Chair. I want to thank the witnesses for being here.

There are a number of questions to go through, so I'll try to rattle them off quickly if we can get quick answers.

I have a question for Mr. Atkins, please. How often were harvesters inspected at sea previous to this time?

**Mr. Michael Atkins:** I'm not a fisherman on the grounds, but speaking with my directors and other fishermen, I don't think it's very often at all. It's my understanding there's not a lot of funding for C and P to be out on the water. They would be boarded maybe once per season, if that.

The PPFA does pay into the C and P collaborative agreement to help with its efforts, but very little on the water action.

• (1625)

**Mr. Mel Arnold:** Mr. McIsaac, you referred to this as basically an existential threat to the industry in B.C. The fishery sector was facing existential threats already with the COVID situation, off-shore markets being decimated, and so on.

It sounds like this was just another existential threat thrown on top of everything else out there. Would you agree?

**Mr. Jim McIsaac:** Yes, and for no apparent good reason, as well.

You just heard from James about the impact it has on his business. He has to devalue his business.

There are other harvesters out there that have bank agreements that specify how many tubs they are actually going to produce. Now, you can't meet your bank agreement, because you can't legally produce tubs.

**Mr. Mel Arnold:** It sounds like someone brought down a solution that was looking for a problem.

Ms. Orr, what options are there for random inspections on arrival at the docks? Would that be as effective as the random at sea inspections?

**Ms. Emily Orr:** It is really important to note that spawner indexing takes place aboard the vessels quite frequently throughout the season. The number of samples obtained from vessels typically means that each vessel may be boarded several times during the season. Some report being boarded even once a week.

When a spawner index test is being conducted, that is also an opportunity to make any observations regarding undersized prawns, or any violations of that matter. That is a function of that spawner index, as well, that the observers on board are mindful of any potential violations that require reporting.

C and P officers are welcome to board vessels at any time. Opportunistically, they can meet vessels at docks. In some cases they watch vessels from the shoreline. Any opportunity and every opportunity is available. While boarding the vessels may not be as frequent by C and P officers, there is a terrific amount of interaction between observers and C and P officers throughout the season.

**Mr. Mel Arnold:** Mr. Lawson, can you describe how much product may be held onboard the vessels, and for how long it might be held there? How often do you come into port to offload?

**Mr. James Lawson:** I'm a smaller freezer vessel, but I can hold my product for probably 10 days for about 5,500 lbs., and that is not a big vessel. There are definitely bigger boats out there with way longer holding times, where someone could come along at any time and inspect that product.

**Mr. Mel Arnold:** Would you say the larger harvesters are better equipped to monitor their catch and meet some of these regulatory requirements?

**Mr. James Lawson:** No. We all go through the same process of grading and adhering to the conditions of the licence.

They are able to stay on the grounds longer, but the process for making sure we have legal prawns is the same in the larger boats.

**Mr. Mel Arnold:** Mr. McIsaac, have you heard from other species harvesters, other types of fish harvesters, who are concerned about these changes coming forward, unannounced and without consultation?

**Mr. Jim McIsaac:** I haven't spoken with other harvesters, specifically, regarding their concerns about this being implemented—actually some, yes.

There is concern, but there hasn't been any kind of direct change, that I know of, targeted on another fishery right now.

**The Chair:** We will now go to Mr. Hardie, for five minutes or less, please.

**Mr. Ken Hardie:** Thank you, Mr. Chair.

This is for Mr. McIsaac, following up on Mr. Arnold's question.

We understood that oyster harvesters were also recently told on very, very short notice that certain regulations would either change or be enforced differently. Have you heard that?

• (1630)

**Mr. Jim McIsaac:** Yes, that's correct.

**Mr. Ken Hardie:** Fair enough.

I have a question for Mr. Lawson.

James, it's not in your interest to catch and keep small prawns, as there's no market for them, and I've heard somebody else say that this is not a conservation issue.

First of all, can you describe what a legal prawn is and why the DFO would be interested in checking for them?

**Mr. James Lawson:** To see if a prawn is legal, we do a millimetre measurement, either off the telson, which is part of the tail, or on the spike coming off it's face. I forget what it's called.

I have no interest in keeping small prawns. Why take prawns that are going to be more valuable later? I don't know.

**Mr. Ken Hardie:** Mr. Atkins, perhaps you can answer that. Why is the DFO even inspecting? What are they looking for? Where can a prawn fisher, other than size, go wrong when there's no interest in catching small prawns?

**Mr. Michael Atkins:** It has baffled all of us here. It's really unknown. There have been cases of undersized prawns entering the marketplace through the unregulated channels in recreational and different fisheries, but we're really unclear on what the issue is and why there's such concern over it, because it's so infrequent and there's no desire for the fishermen to keep them.

**Mr. Ken Hardie:** Ms. Orr, a lot has been said about the local market valuing the prawns they get in tubs, particularly restaurants. Obviously they would like to cook these up for their customers.

Is there an alternative through a processor for, say, the local restaurants to get their product? Would that process, whatever it is, be acceptable to the local restaurants, or is tubbing really the best possible route?

**Ms. Emily Orr:** I'm sure the processors would process that product for the harvester and take on that section of the supply chain. However, the processor is going to charge the harvester for the processing, or the harvester is simply going to get a wholesale price for those prawns, the same as they get for the rest of their export market prawns. What is lost there is the harvester's ability to achieve a higher profit margin from the direct sale.

As far as the actual preservation and freezing of prawns goes—if we're going to discuss tubs and whether or not there's another route—some folks have frozen prawn tails in zip-lock bags. However, the shell is very sharp and can pierce the bag, and then it leaks and you have freezer burn. There are very few other methods, if any. Certainly there are none that can compare with using tubs. There really is no other viable or reasonable way to freeze the prawn tails.

**Mr. Ken Hardie:** Mr. Atkins, on average, how many decent sized prawns would fit in a tub?

**Mr. Michael Atkins:** In a one-pound tub, you're looking at, say, 25 to 30 prawns.

**Mr. Ken Hardie:** Are they usually in about, say, two layers?

**Mr. Michael Atkins:** It's two or three layers. Our industry protocols suggest a limit of one pound, to limit the time it takes to thaw, and mandate a clear plastic tub so that you can see sizes once the frost gets off and you can measure some of the sizes through the packaging.

**Mr. Ken Hardie:** James, you're on the boat. You pull up your nets and there are small prawns in there. What happens to them?

**Mr. James Lawson:** They get dumped out of the trap onto the grading table and get graded individually by hand. On my grading table, which is seven feet away from me, I have marks etched into the aluminum so we can measure them, piece by piece if we have to.

**Mr. Ken Hardie:** If something is too small, what happens to it?

• (1635)

**Mr. James Lawson:** Straight overboard, back into its habitat...

**Mr. Ken Hardie:** There's good survivability there?

**Mr. James Lawson:** From what I hear, but I've never followed one down.

**Voices:** Oh, oh!

**Mr. Ken Hardie:** Nor should you.

That's fine for me. Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Hardie.

We'll now go to Ms. Gill for two and a half minutes, please.

[*Translation*]

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

I noticed earlier that Mr. Atkins would have liked to answer the question. I would invite him to send us his response on the consultation, in short, on the implications of these instructions being late and the fact that we don't know what is going to happen in the short term to the spot prawn fishery.

Of course, it is said that there has not been much discussion and that many aspects remain unclear. I would like to know what regulations the witnesses would like to see adopted for the entire population. This needs to happen quickly, because 2022 is tomorrow.

My question is for all of the witnesses.

[*English*]

**Mr. James Lawson:** I have 2,000 pounds' worth of tubs sitting in my hold right now, and I don't know if I'm going to be able to use them, so a timely answer would have been a real great money saver for me.

**Mr. Michael Atkins:** There is so much uncertainty over this. The fact is that we were at the table working on a traceability label for these tubs, and now we don't even know if we can use these tubs. We've essentially lost another year of implementing a traceability program to limit the illegal sales of prawns. We're all up in the air right now and just waiting to see what happens.

[*Translation*]

**Mrs. Marilène Gill:** I may have phrased my question wrong. I actually want to know what you would like to see done, both in the short and longer term, to make things right.

[*English*]

**Mr. Michael Atkins:** Really, the PPFA, the industry, is willing to work with DFO on a solution. We recognize that we expect some restrictions and regulations, but as James said, there's really no other way to protect these prawns, to save these prawns. In water, frozen at sea within minutes of their capture, is the best way to capture these. To be suggesting to do things like freeze-drying them or to vacuum-seal them, it just doesn't work. This is the only method.

**Ms. Emily Orr:** I think what we would ultimately like is a reinterpretation so that we can go back to business as usual and focus on things that are more justified to earn our attention and our efforts.... This, to everybody, seems actually quite irrational—that DFO would make prawn tubbing illegal.

Their first choice would be the rethinking of this issue back to the status quo that we were all working very well under. If that's not possible, we have suggested that a condition of licence be added that spells out the requirement of harvesters, who need to be able to render prawns available to be determined for size and species with a time limit, whether that's five minutes or four minutes, whatever it is. We've asked DFO to consider that. They have not responded to that proposal.

However, we would like to see something very quickly because, as you pointed out, there's the disruption to the markets and the instability it's creating. Prawn customers already are reaching out to many harvesters and asking, "Am I going to be able to buy prawns?" There's a tremendous loss now in terms of folks who are looking to buy prawns and who, in the uncertainty, may begin to look elsewhere and buy prawns from overseas instead. People do need answers quickly. A working group to carry this out over many months to us makes no sense. This should be a very simple solution, and one that happens swiftly.

**The Chair:** Thank you, Ms. Gill.

We'll now go to Mr. Johns for two and a half minutes, please.

**Mr. Gord Johns:** Thank you, Mr. Chair.

Ms. Orr, can you talk about the consultation piece? What was done by DFO before they decided to reinterpret this regulatory process with your industry? What actually would normal consultation look like in terms of what you'd expect with the industry and the sector?

**Ms. Emily Orr:** Thank you.

As the group of witnesses has said, there was no consultation prior to this reinterpretation. Typically what we would see is a report or proposal to the prawn advisory board. The prawn advisory board

met on December 3. There was no report of this impending reinterpretation.

The draft IFMP, the integrated fisheries management plan, would typically offer some insights as to changes as they might be planned for the coming season. There was no mention of it there either.

The consultation that we would expect on any type of reinterpretation such as this, typically, if it were to reflect what has happened in the past, would carry on over a couple of years of time before something was implemented. This was quite unstructured in terms of what we were used to expecting.

• (1640)

**Mr. Gord Johns:** I was talking to that former fisheries officer and he asked me if DFO has identified that undersized prawns in the catch are a big problem. He said he hasn't seen anything of that nature, so he's wondering why the department's literal interpretation of a regulation requires some creative solution.

If they had come to you and consulted properly, what kind of creative solutions could you have presented back to them?

**Ms. Emily Orr:** I think we've done that quite quickly in response to this reinterpretation. As Mike Atkins said, the PPFA developed protocols to offer a solution by supporting C and P and upholding the regulations. The PIC offered a proposal of a new condition of licence. We worked very quickly with the people we represent to ensure that we were suggesting proactive solutions that would support all parties moving forward.

Apart from that, we'd say that just a reversal back to the prior thinking that prawn tubbing is acceptable. Those three options sound very good to us.

**Mr. Gord Johns:** Have you heard from the minister at all? Has there been anything at all from her office?

**Ms. Emily Orr:** Yes. There was an acknowledgement of our letter and that this was being worked on.

The statement from the minister's office about it being a conservation issue and that the practice of tubbing was quite new was relayed to the House, I believe, when MP Rachel Blaney spoke to it.

These were very troubling replies to us. It is misinformation, unfortunately. Non-retention of undersized prawns is not a conservation issue. Of course, as we've been hearing, prawn tubbing has been taking place for over 50 years.

We're very much hoping to correct some of the misinformation around this issue and find a resolution.

**Mr. Gord Johns:** Thank you.

**The Chair:** Thank you, Mr. Johns.

We will now go to Mr. Calkins for five minutes or less, please.

**Mr. Blaine Calkins (Red Deer—Lacombe, CPC):** Thank you, Mr. Chair.

Let's go back to the fall of 2020, when some of the discussions were going on around changing the marketing from more international to more domestic, if I'm following correctly everything that's been said. There were discussions with the Department of Fisheries and Oceans and various stakeholders, which included the PPFA, on creating a traceability-like program and using the tubs to market domestically. Do I have that right?

It doesn't really matter who answers. Mr. Atkins, Ms. Orr or whoever wants to can answer that.

**Mr. Michael Atkins:** Yes, that's correct.

This all came out at the table while we were dealing with the traceability piece. It really wasn't thought out clearly. If an individual makes a comment in a meeting and two days later we get notified that the regulations have been changed, I don't think there was a lot of thought that went into it.

**Mr. Blaine Calkins:** Who were the other stakeholders at the table, other than the PPFA?

**Mr. Michael Atkins:** For the traceability work, it was PPFA, DFO fish management and DFO C and P.

**Mr. Blaine Calkins:** There really was nobody from the industry outside of your industry association. It was all department officials. Is that correct?

**Mr. Michael Atkins:** That's correct. We represent the entire prawn fishery.

**Mr. Blaine Calkins:** That's fine. You represent everybody on the commercial side.

**Mr. Michael Atkins:** That's correct.

**Mr. Blaine Calkins:** Nothing is getting displaced economically from a regulatory change. Is that correct?

**Mr. Michael Atkins:** Yes. I mean, there are economic impacts for sure.

**Mr. Blaine Calkins:** Who would the economic impacts be on, outside of members of your organization?

**Mr. Michael Atkins:** Having prawns not domestically available in Canada would hurt consumers.

**Mr. Blaine Calkins:** I understand. I guess what I'm asking you is....

I'm trying to find a rationale or a reason for the regulatory changes. Nothing that we're discussing here today would lead me to believe that the Department of Fisheries and Oceans would make a unilateral change. Nothing has changed in your practice. Nothing has changed in 50 years. You testified here that you've been co-operative with the Department of Fisheries and Oceans when it comes to traceability.

My question to you is what could possibly be motivating the Department of Fisheries and Oceans? They are going to testify at some point in time before this committee and I'm going to ask them questions about why they made the changes they did. They're going to have to have some rationale or reason for it. I'm trying to guess here what that is.

Has anybody been displaced economically that you know of, whether it's legitimate economics or economically in any other way?

• (1645)

**Mr. Michael Atkins:** I have not spoken to a single person involved in science or fishing—regardless, any which way—who understands this or has any explanation for it. I would like to hear an answer from DFO.

**Mr. Blaine Calkins:** Yes. Well, we're going to get to that.

Just to remind me, this is an effort-based fishery and not a quota-based fishery, correct?

**Mr. Michael Atkins:** Correct.

**Mr. Blaine Calkins:** Yes.

Mr. McIsaac, you brought up IUU fishing. What would be the rationale in this particular case? I'm assuming that everything you guys catch eventually makes port in Canada at some point in time. You're not off-loading from your boats or from your vessels anywhere but a Canadian port. Do I have that correct?

**Mr. Jim McIsaac:** That's correct. Yes.

**Mr. Blaine Calkins:** So there's no reason to think that from an enforcement perspective, if it's not happening on a vessel it couldn't happen at the point of landing as well. Is that correct?

**Mr. Jim McIsaac:** That's correct. Yes.

On the IUU component, which a couple of your members asked questions about, one of the other fisheries identified as having some kind of radical changes recently is the clam fishery. There's an estimate that about two to three times the actual commercial landing is being brought in through IUU fishing. The way to stop that is to drive the entire fishery through processing plants instead of direct to the consumer, or to restaurants, or what have you. That's a response from the department to get a handle on IUU.

I'm not certain if there's something like that happening, or if they're thinking that there's something like that happening, with the prawn fishery and IUU, and that this is a way to get a handle on that. Really, it thoroughly disrupts the prawn fishery.

**Mr. Blaine Calkins:** What's happened outside the fishing fleet—

**The Chair:** Thank you, Mr. Calkins. The time has gone a little bit over.

We'll go to Mr. Hardie for five minutes or less, please.

**Mr. Ken Hardie:** Thank you, Mr. Chair.

If tubbing is no longer available, what kind of alternative process might be used that would still, for instance, provide an acceptable product direct from the fisher to the customer?

Mr. Atkins, we'll start with you, because you'll have to start thinking about this, obviously, if in fact DFO requires some changes for next season.

**Mr. Michael Atkins:** We're still exploring options as a group, as a board. There's really not a lot that we've found so far. It makes us very nervous.

I'm not too sure if I have a good answer for that.

**Mr. Ken Hardie:** If the tubing isn't available and the local restaurants, say, can't get the product from fishers directly, and they have to get it from a processor, what can you speak to in terms of the quality of the product they'll get from the processor and the price versus what they would get directly from the fisher?

Ms. Orr, could you speak to that?

**Ms. Emily Orr:** Sure. It is our hope that the processing companies are maintaining the highest level of quality possible in terms of any processing that's done. It's certainly in their best interests to do so.

In terms of price, I cannot give any recent examples in terms of differentiation between what a restaurant might purchase from a fish buyer or what they would achieve in getting direct from harvester, as those prices fluctuate annually. What I can say is that the difference between selling a pound of prawns to your wholesale buyer and being able to sell it to a person who comes to purchase it directly from you out of your community can sometimes be a difference of \$10 per pound. That's a very stark difference. Even if it's a very small portion of a vessel's catch that is staying domestically for sale in tubs, it's quite a large contribution to their overall profit.

I hope that answers some of your question.

• (1650)

**Mr. Ken Hardie:** It would seem, just by way of a comment, that the absence of tubing would actually deprive small local markets of access to a really excellent product.

Everybody is nodding yes. That's good.

**Ms. Emily Orr:** Absolutely. Last year in Powell River, some local harvesters set up pop-up sales throughout the season. In some cases, by the afternoon they would have over 300 people lining up from the small town. Almost every time they did that, that's the lineup they had. They had people cheering in the lineup for the option to be able to purchase local seafood.

That's something we do hear a lot. Why can we not buy local seafood? Why can we not access local seafood? Why is it all shipped overseas? Here in this fishery, where we are making great strides and terrific efforts in making it available for locals, this would be a very, very detrimental step backwards.

**Mr. Ken Hardie:** Mr. Chair, I would like to give some time to my colleague, Mr. Cormier.

**The Chair:** You have just over a minute, Mr. Cormier.

**Mr. Serge Cormier (Acadie—Bathurst, Lib.):** Okay. I'll try to be quick.

On the same questioning as Mr. Hardie, let's say it's a conservation issue, because I've also found that the way the decision was taken a little bit like, maybe we can question it. But about other options—my father fished all his life—with lobster now on boats, they have some tubs. It's not the same kind of tub, but a big tub that they have a water recirculation pump for. They put the lobster in it so that it stays alive longer. It's the same for crab, for example. Instead of putting crabs in the holding tank with ice, they keep them alive in water now for up to two days.

Are there other options that you can take to have those prawns stay alive longer so that that they can be better quality when they arrive at the wharf, or is it only when they are frozen that you can have this...?

**Ms. Emily Orr:** It's very difficult. To replicate the environment that prawns come from, which is very deep water, the temperature needs to be exact—to literally the degree. The salinity needs to be 21 parts per million. It needs to be oxygenated water. Prawns are very temperamental once they are brought to the surface. It is possible to keep them live in holds of water, but doing so any longer than a day becomes increasingly difficult. I do know of people being able to do it for a few days, but it is a very delicate process.

**Mr. Serge Cormier:** Thank you very much, and to to my colleague, Ken, for sharing his time.

**The Chair:** Thank you, Mr. Cormier.

We'll now go to Mr. Mazier, for five minutes or less, please.

**Mr. Dan Mazier (Dauphin—Swan River—Neepawa, CPC):** Thank you, Mr. Chair.

Thank you to the witnesses this afternoon.

I'm a farmer in Manitoba, and my heart goes out to you for what you're going through right now. I cannot believe what I'm hearing here.

Mr. Atkins, is it my understanding that prawn traps have a minimum mesh-size requirement to ensure that small prawns have the ability to escape? Does the mesh size address most of the concerns around the size requirements? If not, are there other ways for inspectors to verify that size?

**Mr. Michael Atkins:** You are correct about the mesh size. There are also escapement rings, and the single haul limit allows that as well. The longer the prawns are in there, the smaller ones are going to be pushed out by the larger ones. That is all captured within the trap.

I'm sorry; I forgot the second half—

**Mr. Dan Mazier:** Are there other ways for the inspectors...? In your opening remarks, you referred to other ways of looking at sizing.

Is there some other way, a new approach they could take, so that inspectors could verify size, other than what they're doing right now?

**Mr. Michael Atkins:** Really, measurements are the single way. We suggested that the on-board observers from our service-providing company could offer a bit of that service, as well, in C and P's absence. Primarily, it's just measuring with calipers.

**Mr. Dan Mazier:** How much of the product do you think gets inspected in a normal season? Would it be 1% or 2% in the existing system right now?

**Mr. Michael Atkins:** It's quite a bit higher with respect to the on-ground observers. From actual C and P, I'm not too sure.

I'm not sure if Emily or Jim has an answer.

**Ms. Emily Orr:** I don't believe that there's data available in terms of the relationship between percentage of catch inspected and C and P's inspection rate. I don't believe that exists.

• (1655)

**Mr. Dan Mazier:** Okay.

Ms. Orr, it's clear that there's a lot of uncertainty in the region right now. Harvesters aren't aware of how DFO is interpreting the regulations. The new interpretation appears to be making the practice of tubbing illegal immediately.

However, DFO has stated that they won't enforce it as of yet. They're kind of watching you. They're making everybody look over their shoulder.

Can you explain the impact of this uncertainty around enforcement, and the lack of clarity and communication, on harvesters?

**Ms. Emily Orr:** Sure. Thank you.

There are fines that could be placed on a harvester. The interference with their fishing time if they are asked to come into port for inspection and they are found to be in violation, really of any sort, can be devastatingly costly to the harvester.

What we are hearing from DFO is that while the posture of C and P this year will be one of inform and educate, C and P still has discretion available to process violation charges if they feel it is necessary to do so.

There's really no assurance for harvesters who want to tub prawns this year that they can do so and have no issue with that, so that's very confusing and stressful.

**Mr. Dan Mazier:** Would anyone else like to comment on the lack of clarity and just what kind of stress that's putting on all of your businesses or members?

**Mr. Jim McIsaac:** One of the first comments the department made to us on this whole issue was that the onus was on the harvester to comply with the regulations.

If you ask what the regulations mean and what the issues are, and we don't get a clear answer, it becomes very, very difficult to comply with the regulation when you don't understand what has changed since last year. It makes it impossible.

Without the regulator telling you how they understand a regulation, it's very difficult for an industry to comply with it.

**Mr. Michael Atkins:** I'm not too sure if there's any time, but this is spilling over to other industries as well, because freezing products in blocks is, as Jim said, common practice with hake, groundfish, shrimp on the east coast, and euphausiids. There's a number, and they're 25 to 40-pound blocks and way more onerous to thaw out, so there's anxiety spilling over into other sectors as well.

**The Chair:** Thank you, Mr. Mazier. It's too close to get another question in there.

We'll now go to Mr. Morrissey for five minutes or less, please.

**Mr. Robert Morrissey (Egmont, Lib.):** Thank you, Chair.

My question is for Ms. Orr.

In DFO, there are three criteria that should determine their reaction or interaction: the security of the stock, the quality of the product being sold to the consumer, and if there is illegal activity in fishing them.

You say this has been going on for 50 years. Could you just quickly address the issue of how the catches are today versus the last 50 years?

**Ms. Emily Orr:** Sure, thank you.

**Mr. Robert Morrissey:** Is it stable?

**Ms. Emily Orr:** I would say that the efficiency of the prawn fleet has increased due to the development of better gear. However—

**Mr. Robert Morrissey:** But is this stock stable?

**Ms. Emily Orr:** The stock is very stable.

**Mr. Robert Morrissey:** It's very stable.

**Ms. Emily Orr:** We are well recognized as a very sustainable fishery, and our—

**Mr. Robert Morrissey:** So there's no issue here with the long-term conservation of the resource.

I see Mr. McIsaac shaking his head. Okay, so that checks off one of them.

Has there ever been any recorded history of a quality issue with the product sold to a consumer?

**Ms. Emily Orr:** I think there are individual cases where quality may not have been as optimal as possible. I don't know if that is something that DFO is looking to resolve in this. Certainly it's in everybody's interest to produce the best quality product possible. At any time when the quality has suffered, I think typically it's due to some type of breakdown in the supply chain.

I'm not sure if that's helpful to your question.

**Mr. Robert Morrissey:** Well, it's pretty accurate. So there have been no cases or widespread cases of a consumer being in ill health as a result of buying one of your tubs frozen at sea.

• (1700)

**Ms. Emily Orr:** None that I'm aware of.

**Mr. Robert Morrissey:** Not that you're aware of, so that would address the quality issue.

Am I correct in interpreting then that DFO personnel can board any fishing vessel and ask to do a compliance check? Is that correct?

**Mr. Jim McIsaac:** Yes.

**Mr. Robert Morrissey:** Mr. Lawson, maybe if you could respond on that, too, as you're a fisher.

Is there anything stopping DFO personnel from taking a random sample of your frozen tubs at their request? Can they choose where they want to go?



**Mr. James Lawson:** Last year there might have been one hiccup just with COVID protocols about boarding vessels, but otherwise they have that right anytime.

**Mr. Robert Morrissey:** So am I correct, then, that DFO protection and enforcement personnel can board a vessel and choose a sample randomly?

**Mr. Michael Atkins:** Yes. We encourage them to do so if they have questions.

**Mr. Robert Morrissey:** I, like the rest of the members of this committee, am baffled as to what the objective is here. If the stock has been fished for over 50 years with this practice and is stable going forward, I can see where the fisher would want to do it, because here on the east coast, the scallop fishery will open tomorrow in my riding. I can buy product directly from the fisher, frozen scallop meat, and a lot of people do, and the fisher wants to do it for the same reason you're doing it, because they get a better price.

I am surprised at why enforcement came in here at the last moment.

I would have a question here—and tell me when I'm out of time: if it goes to the commercial processor, who controls the commercial processing industry? Is it one control on the B.C. coast?

**Mr. Jim McIsaac:** Not on prawn.

**Mr. Robert Morrissey:** Not on prawn, so is the processing sector widespread?

Again, I'm confused, as well, as why DFO would spring this on your industry at the last moment. DFO has a really good history of, "Blank, blank, blank fisherman off", on an ongoing basis.

**Mr. Jim McIsaac:** I think you got it.

**Mr. Robert Morrissey:** Thank you, Chair.

**Ms. Emily Orr:** I'll quickly point out that the PPFA hired Landmark to do studies of our management system in response to the management evaluation that DFO had requested. In that study, there is quite a bit of data modelling that indicates that we're not fishing as much of the harvestable biomass that is available to us.

**The Chair:** We'll now go to Ms. Gill, for two and a half minutes, please.

[*Translation*]

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

I'd like to finish the round of questioning that we had started earlier. I had asked the witnesses here what their expectations were in the short, medium and long term.

I believe Mr. Atkins has responded and Ms. Orr did not finish her response. So I would like to give her the opportunity to do so. If not, the other witnesses could speak as well.

[*English*]

**Ms. Emily Orr:** I believe it should be possible to reverse the new thinking, and revert back to what was the status quo before this issue evolved. Failing that, harvesters would be much more willing to thaw out tubs of prawns upon an inspection request than to be cancelled out of the opportunity to sell their product in tubs.

Everyone the PIC represents is very much hopeful that we can come to a resolution that would allow the continuance of freezing prawn tails in tubs. As for the manner in which we achieve that, we're certainly open to a conversation and very hopeful to have it resolved as quickly as possible.

**Mr. Jim McIsaac:** I would echo those comments. In the short term, the identification of a random sample as being sufficient to meet the needs... Moving forward, some kind of standardization set with the industry on tub size and transparency, that kind of thing, would be useful. I just hope we do not outlaw this method of taking product to market in the long term.

**The Chair:** Mr. Lawson, did you want to comment?

**Mr. James Lawson:** Yes, I have no problem with anybody coming aboard and wanting to inspect my catch for quality control and compliance, but I don't want to give up tubbing, because it provides for the highest quality product.

If I have to sell an inferior product to locals, what's the point? You make a bad name for yourself, and you lose the market entirely.

• (1705)

[*Translation*]

**Mrs. Marilène Gill:** As I understand it, you simply need a channel of communication with the department. I use the word "simply" even though this situation remains complex.

[*English*]

**The Chair:** We'll now go to Mr. Johns, for two and half minutes, please.

**Mr. Gord Johns:** My question is for Mr. Lawson.

It's my understanding that there are about 230 vessels fishing prawns and that you can only stack two licences, so you can only have about 500 traps. This sounds like it's a small-scale fishery with all independent operators.

Can you talk about the size of the fleet, how small it is and how important this fishery is to that fleet?

**Mr. James Lawson:** I think there are about 240 licences. I'm not sure how many operators there are, because I don't know how many do stack. Like you said, it's either 300 traps for a single licence, or 500 traps for a double licence. This fishery is very important to fisheries businesses.

As a younger harvester, last year it was at least a third to half of my income. Given the way fisheries are now, we have to be diverse. Taking the value out of a fishery like this really hurts my career as a fisherman as whole, not just in this fishery, because what I gain in value from prawns for my business pays for my upgrading into other fisheries, as well. It spills over, so that I am a more well-rounded career fisherman.

**Mr. Gord Johns:** In Tofino, where I'm from, the Spot Prawn Festival is done with the Pacific Prawn Fishermen's Association and Chefs' Table Society of British Columbia. This isn't just about our economy; it's about our culture.

Ms. Orr, can you talk about the impacts of that on our culture and what's on peoples' plates at restaurants in B.C.?

**Ms. Emily Orr:** It's great to hear that you've been to a prawn festival before, which I've helped host before in False Creek as well. It's a terrific show of the community, and so many people enjoy celebrating what we have to offer from our fishery here.

When I think about the people there watching cooking demonstrations by local chefs and speaking with members of the fishing community about how prawns are caught and having that exposure to something that is literally on their doorstep, it's a connection that people have that is part of the fabric of our coastal communities.

So removing the accessibility of the public to purchasing seafood from the vessels is undermining the relationship between harvester and community. What other building blocks can be as important as that in preserving coastal communities?

**Mr. Gord Johns:** Do I have any time left, Mr. Chair?

**The Chair:** No, you're all up, sir; you're just a couple of seconds over.

We now go to Mr. Arnold for five minutes or less, please.

**Mr. Mel Arnold:** Thank you, Mr. Chair.

This appears to be a real legal desktop interpretation of the regulations, without consideration of the practicality of the on-water situation.

Mr. McIsaac, you identified that DFO was not able to share their legal interpretation of the regulation. Can you tell me how harvesters can attempt to ensure that they are complying with the regulations if the department responsible for enforcing is unwilling to share their legal interpretation with the harvesters before they go out?

**Mr. Jim McIsaac:** It certainly makes it very difficult. DFO is very clear that the onus is on the harvester to comply with the regulation, but they don't seem willing to give us their interpretation of the regulation, which is very challenging. You can imagine that.

I've got to be clear here that they're speaking out of both sides of their mouths on this. They put out a fisheries notice on April 9, and I'll read one line from it:

Freezing of whole or tailed product in solid blocks or tubs of ice will require that the harvester provide randomly selected samples to be thawed for inspection by Fishery Officers.

That's exactly what we had asked them for through February and March—something that clearly says that this is the situation.

On the same day, they emailed us and said that conservation and protection will apply discretion in the enforcement of the approach in the 2021 season, recognizing the efforts that the industry has put in.

These two pieces conflict for harvesters. They're sending mixed messages to harvesters on exactly what the situation is for the season, and that's a huge challenge.

• (1710)

**Mr. Mel Arnold:** Thank you.

You also mentioned that there appears to be, I believe you said, a high incidence of illegal activity in the clam market and that the department has been trying to get a handle on IUU: illegal, unreported and unregulated fishing.

I wanted to note that this committee approved a study on IUU months ago, but that study has been repeatedly delayed for multiple reasons: the prorogation of Parliament, and everything else on top of that.

Do you see IUU or illegal, unreported, unregulated fishing as a threat to the sustainability of fisheries and the livelihood of harvesters?

**Mr. Jim McIsaac:** Certainly. It undermines legitimate harvesters right across the board.

**Mr. Mel Arnold:** Thank you.

Mr. Lawson, can you elaborate a little more on the difference in value of your frozen at sea prawns versus bulk prawns delivered to docks for processing product—the value not just to you as a harvester, but the resulting spinoff businesses that either supply you with services or that buy from you as a harvester?

**Mr. James Lawson:** In the prawn fishery there are live boats and there are frozen boats. I'm a frozen boat.

Last year, like I said, I sold my prawn tails for what was equivalent to \$15 a pound. My export frozen prawns sold for \$4 a pound for mediums, \$6 a pound for large, \$9 a pound for XLs and \$11 a pound for jumbos and extra jumbos. Just for what could be, a fishmonger in Kelowna sold a tub of jumbo prawns for \$65, so it really hurts to have to sell them for \$11 if there's no market for a.... By tubbing them myself, I could be getting a far superior price. I was just selling mixed prawns for that \$30. If I split them by quality and size, I could be getting a far superior price to that even.

**Mr. Mel Arnold:** The quality has to be maintained by the quick freezing in tubs. Do they deteriorate if there's a length of time before they come to the dock for processing?

**Mr. James Lawson:** Yes, absolutely. Having the quick freezing into water assures there's no air that's going to cause freezer burn and there's the kind of brine the prawns are in, the saltwater. They're topnotch compared to any other form of value-added processing aboard.

**Mr. Mel Arnold:** Okay. Thank you.

**The Chair:** Thank you, Mr. Arnold.

We'll now go to Mr. Hardie for five minutes or less, please.

**Mr. Ken Hardie:** Thank you, Mr. Chair.

They say the C and P officers can exercise discretion. Over what? If they're checking to see if you're tubbing, you're either tubbing or you're not. What else could there be?

I don't know who can take that one.

Jim, we'll give it to you.

**Mr. Jim McIsaac:** We're baffled as well, right? The inform and educate, we can understand, but if discretion means they can decide whether they're going to enforce this the way they have reinterpreted the regulation.... That's my understanding of this discretion. That means you're at risk if you're harvesting and tubbing and they decide to come on board and check.

**Mr. Ken Hardie:** Mr. Lawson, being on the water, hopefully you could answer this.

This question actually goes back a couple of studies. Is the prawn fishery mainly an owner-operator driven fishery, or are we dealing with people owning the licences, etc., who have never set foot in the water?

**Mr. James Lawson:** It's all fisheries. It's a big mix.

For instance, I do not own my licence. I lease out of the PICFI program put on by the federal government. I do know owner-operators and I do know people who strictly lease. Lease costs can be very high. Not this season, but in seasons past, they could go for as high as \$60,000 a lease for a season. You think about that kind of overhead, plus your bait, plus your fuel, plus your food, and then you're not getting value for your product because you can't self-process and value add aboard. It's a really steep hill to climb.

• (1715)

**Mr. Ken Hardie:** Do the quick math for me, if you would, please. What price per pound do you get when you sell a tub of prawns, and how much of that, if you're leasing, would go to the owner?

**Mr. James Lawson:** A lot of times lessors are companies, and they expect you not to tub their prawns. They will expect all the product from their lease licence. Some guys will fly under the radar to try and get a little extra money out of it. But it is expected, if you're leasing, you will sell to their market, so you may not even have the option.

**Mr. Ken Hardie:** That goes back to an earlier question I asked—

**The Chair:** Before you go to that, I believe Ms. Orr had her hand raised. I don't know if you saw that or—

**Mr. Ken Hardie:** Yes, I see that. Thank you, Mr Chair.

Ms. Orr.

**Ms. Emily Orr:** Just quickly, I wanted to point out that most of the harvest effort controls that are our fishery regulations were promoted by industry itself. The harvesters, for the most part, are very protective that those regulations are followed. Any violations, such as double-hauling or fishing outside of the set time or retention of undersized prawns, is very offensive to most harvesters. It's important to note that because this fishery is very important to the people who make their livelihoods from it.

When we talk about C and P officers using discretion, my understanding is that if a C and P officer were to encounter a vessel that was, for example, in violation of other regulations and there was a clear defiance of the regulations in multiple ways, they may utilize that discretion to put forward charges for that reason. But in terms

of this particular issue, obviously, as we've discussed, it's very difficult to understand what that discretion relates to.

**Mr. Ken Hardie:** Thank you.

I want to go back, then, actually, to my first question. Mr. Lawson suggests that there's an obligation on the part of the fishers to sell all of their product to a processor and that some may go the tubbing route to make a few extra dollars to add to their bottom lines. It sounds like there is the possibility that there's been some pressure on the DFO to take this route from people who stand to gain if, in fact, the fishers have no alternative but to deliver all their product to a processor.

Does anybody care to comment on that?

Mr. Atkins.

**Mr. Michael Atkins:** I haven't heard any pressure coming from the processors, so I don't see that as the avenue.

Others are welcome to jump in.

**Mr. James Lawson:** I know that a couple of seasons ago I was fishing out of Pender Harbour. There is a drive-down dock there, and docks at homes. There's a plant there. The guys who leased licences from the plant had to deliver there to ensure that their bait supply kept coming, and they got \$7 a pound. The guys who could drive away with their product as owner-operators got \$15, so....

**Mr. Ken Hardie:** Okay.

**The Chair:** Thank you, Mr. Hardie.

I will advise the committee that we've gone through the complete round. We have about six minutes left. I was going to suggest we do a one-and-a-half-minute question for each of the four parties if everybody is okay with that, and I'll use the chair's prerogative to say that everybody is okay with it.

I'm going to do it a little bit differently. I'm going to start with Madam Gill for a minute and a half, please.

[*Translation*]

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

As a final question, I'd like to know if the witnesses think this is the right time to announce such news to the industry, when it's already been a year since the COVID-19 pandemic began. Doesn't it also undermine the industry to make such an announcement now?

I am not saying, however, that the announcement should necessarily be made later. What are your thoughts on that?

My question is for all of the witnesses.

[*English*]

**Mr. Jim McIsaac:** It's terrible timing, absolutely.

**Mr. James Lawson:** It's extremely hard timing because we don't even know when we're going to start. They might delay the season for market reasons, which is really strange, considering that they're taking away the top market from us on the other hand.

• (1720)

**Mr. Michael Atkins:** The domestic market has been the saving grace during COVID. That is what has saved countless fishermen. To remove that would be.... How do you come back from that?

**Ms. Emily Orr:** It's entirely tone-deaf to what the challenges now facing industry participants are.

**The Chair:** Thank you, Madam Gill.

We'll now go to Mr. Johns, please.

**Mr. Gord Johns:** Just to clarify.... Is it one question, Mr. Chair, to everyone? Okay.

I'll go back to the remote and rural fisheries, the farthest fisheries away from the market. Can you talk about the impact on those fishers and those communities and what that will do to those vessels? Also, can you talk just a little bit more about COVID and how COVID has impacted these fishers straight up and down the coast already, and what this is going to do to them?

**Mr. James Lawson:** I'm from the Heiltsuk Nation, and I fish out of Bella Bella, which is very remote. Last year, I sold them some tubbed prawns to help with food security in the region. If those are unavailable to me, I cannot sell them prawns because the dip I have to put my export prawns in is not food-grade for Canada. If I can't sell to my own nation in tubs, that's awful.

**Mr. Gord Johns:** Everyone can get a shot at this, yes.

**Mr. Jim McIsaac:** In the remote areas of the coast, there's no readily available processing plant to handle this. That makes it impossible to fish a huge part of our coast and serve the domestic market that way. It really throws that disadvantage as well.

**Ms. Emily Orr:** I think it's maybe been said already, but if we cannot freeze prawn tails in tubs, it means that locals only have access to prawns during the roughly 40-day season. Many, many prawn buyers, back when I was fishing, would buy 40 or 50 pounds frozen in tubs at a time to last them throughout the year, and that was part of their food plans. Removing the ability for people to do that, whether in busy communities or in remote communities where they really rely on that provision of food just makes absolutely no sense.

**The Chair:** Thank you, Mr. Johns.

On the Conservative side, Mr. Calkins was due to be up next.

I don't know, Mr. Calkins, if you're going to be the one to take a couple of quick questions or if somebody else is going to do it.

**Mr. Blaine Calkins:** Well, I can, Chair. Let me just turn on my video.

I want to go back to just a couple of questions in regard to the monitoring of the fishery. I know that in some cases on the coast there are cameras on boats. Are there cameras on any of these prawn boats at all?

**Mr. Michael Atkins:** No cameras—they use a vessel monitoring system. There's GPS functionality, but no video cameras at this point.

**Mr. Blaine Calkins:** My next question, then, is this. Is there any other product that would be taken commercially from the west coast that you would be allowed to freeze on board and put into a

tub or a package, and that would require the same length measurement types of restrictions and would be as easy to identify as a two-and-a-half-minute thawing process for tubbed prawns? Is there any other species that would even come close to this type of ease of enforcement?

**Mr. Jim McIsaac:** Well, there are other fish that are tubbed that are much more difficult to defrost. It's like what we were talking about with hake, which is in a large tote, and there are other species of fish that are individually frozen at sea, but they would be very, very hard to discern unless you defrosted them.

**Mr. Blaine Calkins:** I have no further questions, Your Honour.

**Ms. Emily Orr:** Maybe I'll just quickly add to that. There are other species of prawns and shrimp that are retainable under the W licence, but there is not a size requirement associated with those shrimp.

**The Chair:** Thank you, Mr. Calkins.

We'll now go to Mr. Hardie, please.

**Mr. Ken Hardie:** Thank you, Mr. Chair.

I'd like to sort of lead this through. You can't tub, which means that your product would all go to the processor and you would end up with less money. The processor will probably freeze-dry it. I've seen some of that product at the fishmongers in Steveston, and it doesn't look nearly as good as what we've seen Mr. Atkins hold up in that tub.

Nonetheless, the fish processors freeze-dry it, and then it probably goes to export—I thought we heard that earlier—which means, then, that we're bringing in prawns from someplace else. Now, how do they arrive? Do they arrive in tubs or are they all freeze-dried as well? Does anybody know?

• (1725)

**Ms. Emily Orr:** The prawns that are processed at the seafood buyers can be tubbed. They are not under the requirements and regulations that the harvesters are. In fact, they could be selling them in the same tubs that the harvesters are selling them in now.

Yes, you're making an important point. What will replace the locally caught harvest of prawns here if it's not available to the public is most likely going to be an inferior product from overseas, as many people find at the pubs and in the restaurants.

**Mr. Ken Hardie:** That's astounding. The processor can sell it in a tub and it's not subject to easy access for inspection?

**Mr. Michael Atkins:** Yes. It comes down to the wording of the fishery general regulations that it's the catcher, the fisher, who cannot modify the product, but a processing plant can absolutely tub them.

**Mr. Ken Hardie:** Okay.

Well, I think I've had enough. Thank you.

**The Chair:** Thank you, Mr. Hardie.

I know that our time has not quite run out. I'm going to offer Mr. Johns another question if he'd like to ask one, seeing as he's the one who put this study forward.

**Mr. Gord Johns:** First, I want to thank everybody for your really important testimony.

I want to thank my colleagues. They've asked excellent questions.

I'm like Mr. Hardie. We're all baffled by this. Have you heard from anyone on the coast who thinks this is a good idea? I haven't come across anyone who does. Nobody—not former DFO scientists, not environmentalists—can tell me this is a good idea.

I see Mr. McIsaac shaking his head. Do you want to start, Mr. McIsaac? Then we'll go to Ms. Orr.

**Mr. Jim McIsaac:** Nobody has come to me and said this is a good idea, that it needs to happen. I've heard nobody say that, nobody in any of the sectors, any of the fisheries, and even inside DFO people inside the department are saying this is bizarre.

**Mr. Gord Johns:** Totally.

Ms. Orr.

**Ms. Emily Orr:** It's not often that the public is so ready and ranging to gather around a commercial fishery. We've had tremendous support from the public by means of our federal petition, as well as anybody we've gone to for assistance in bringing this matter forward.

On top of that, we hear also from C and P officers—who speak off the record to folks—that they don't support this, but they do not have the avenue to provide that viewpoint. I can't speak too much to that, but from what I have heard, even folks in C and P are against this reinterpretation.

**Mr. Gord Johns:** We'll go to Mr. Atkins and then Mr. Lawson.

**Mr. Michael Atkins:** I'm hearing the same thing. The current C and P officers are baffled and won't come forward or risk their jobs. There's no understanding about this at all.

**Mr. James Lawson:** It's a goose egg. Zero people think it's a good idea.

**Mr. Gord Johns:** Thanks to everyone, again.

Thanks to the committee as well for the great questions.

**The Chair:** Mr. Bragdon.

**Mr. Richard Bragdon:** Thank you, Mr. Chair.

I think you would probably find agreement here amongst the committee. I think all of us have come to the agreement that we need to get this fixed as soon as possible. We need to ask that it gets fixed as soon as possible. We've heard significant testimony here.

Every one of the panellists who has asked the question seems to have come....

I do have a motion prepared in both official languages that we could submit really quickly here. I can read it if you like, Mr. Chair. Hopefully we could get unanimous agreement on it, if I can have your permission to submit the motion.

I do have it in both official languages that we can circulate. It can be sent to the clerk right away.

**The Chair:** Have you given it to the clerk to circulate?

**Mr. Richard Bragdon:** I believe it's on its way as we speak.

**The Chair:** We could run out of time.

Never mind. Sorry.

**Mr. Richard Bragdon:** It has been sent to the clerk.

**The Chair:** I'll wait for the nodding of heads or something to tell me that everybody has received it in both official languages.

• (1730)

**Mr. Robert Morrissey:** Mr. Chair, I have a point of order.

**The Chair:** There's usually not a point of order on a motion. You can ask for a clarification.

**Mr. Robert Morrissey:** Okay.

This has been interesting testimony, but a motion at the last moment when the committee is running out of time.... I haven't seen it yet to make a decision on it. I don't know how complex the motion is. We do have another meeting coming up on this subject. We could consider it then.

**Mr. Richard Bragdon:** I believe the motion has been circulated, Mr. Chair. I just received it from the clerk.

**The Chair:** Madame Gill.

[Translation]

**Mrs. Marilène Gill:** Mr. Chair, I wanted to let you know that I received the motion. Everything is fine.

[English]

**The Chair:** Thank you.

**Mr. Richard Bragdon:** I can read the motion if you like, Mr. Chair.

**The Chair:** I'm just waiting for everyone to let me know that they've received it, Mr. Bragdon.

Mr. Hardie, do you have your hand up or is that a thumbs-up?

**Mr. Ken Hardie:** It's both, Mr. Chair. I'll comment when the time comes.

**The Chair:** Okay.

Mr. Beech.

**Mr. Terry Beech (Burnaby North—Seymour, Lib.):** Mr. Chair, I have not received it.

**The Clerk of the Committee (Ms. Nancy Vohl):** Mr. Chair, since most members have received it and the interpreters and the staff here have it in two languages, would you want us to read it?

**The Chair:** I think Mr. Bragdon will read it now, as soon as I get the okay that everybody has received it.

**Mr. Richard Bragdon:** The motion is as follows: “That the Chair, Parliamentary Secretary and Liberal party committee members request an audience with the fisheries minister tomorrow to ask her to permanently rescind the reinterpretation and that the Liberal members report back to the committee on Wednesday, May 5.”

**The Chair:** Mr. Hardie, do you have your hand up?

**Mr. Ken Hardie:** I do, Mr. Chair.

Although what we've heard is quite shocking in many respects, we really do need to hear from the DFO because it goes beyond belief that there couldn't be some rationale for the decision they took, and I'm dying to hear it, so I would not support this.

**The Chair:** Thank you.

Mr. Johns.

**Mr. Gord Johns:** I appreciate the motion coming forward. I'd like some time to think about it. It's kind of a strange motion in its timing for tomorrow. That's the only thing.

I really appreciate it, actually, Mr. Bragdon, by the way. I really hope this is dropped before we even meet again on this, to be really frank with you. I don't think we should meet again on this.

Out of respect for Mr. Hardie's wanting to have the department come forward and explain themselves, we need to hear from them. Hopefully, the minister and the department deal with it themselves, unless they have a really good argument, which I can't imagine they do. I hope this gets fixed before we have to even meet again on this. That would be my hope, instead of tying up another whole committee meeting and two hours on this thing.

I think don't the motion is best decided today. I hope we can think about a pathway forward before we meet again on Wednesday.

**The Chair:** Okay.

Mr. Arnold.

**Mr. Mel Arnold:** Thank you, Mr. Chair.

I think if we could get this passed today, it would certainly bring certainty to the harvesters out there, who are so unsure of where their future is going. They're probably buying tubs or not buying tubs depending on how they feel about this. Nothing in the motion precludes our carrying on with another meeting to hear from the officials on what decisions were made, and the reasons behind them. I think we certainly should hear from them as to why the decisions were made, because we hear of reinterpretations affecting other species as well.

I think we could continue with another meeting on this, but we certainly need to bring certainty to the harvesters at the soonest possible opportunity, and this would one way of doing that.

Thank you.

● (1735)

**The Chair:** Okay.

Madame Gill.

[*Translation*]

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

Actually, I was thinking that the motion could be amended as well. The witnesses talked about maintaining the status quo for this year. So I would venture to guess that if we don't say it's definitive, we can get to that. Also, Mr. Johns said that tomorrow may be too soon to get an answer. So we could amend the motion to that effect.

So I will move an amendment, Mr. Chair, if that is still possible.

[*English*]

**The Chair:** Yes, you certainly can.

[*Translation*]

**Mrs. Marilène Gill:** I would propose an amendment to only target the 2021 season, which will give fishers more certainty for this year. It would also not preclude the committee from continuing to receive witnesses, including from Fisheries and Oceans Canada, in the future.

That is my suggestion, Mr. Chair.

[*English*]

**The Chair:** Okay.

Mr. Calkins.

**Mr. Blaine Calkins:** Thank you, Chair.

I think we're missing an opportunity here to go straight to the decision-maker, or supposedly the decision-maker, who is responsible for taking care of those involved in the fishery, and that would be the Minister of Fisheries and Oceans.

We, as parliamentarians, have heard from the people in the fishery, and there is no reasonable explanation as to why we shouldn't be talking to the minister. The minister has more than ample time to get a briefing quickly from her department and come to explain to the committee either the rationale for the department's decision or how she's planning on rectifying the situation. Time is of the essence, and it behooves the minister to do what's right and obvious, from what appears to be our unanimous support for the fishers and industry stakeholders who are before us today.

I don't, for the life of me, see why we wouldn't use the limited authority we have as a committee to actually do something good on behalf of the people who sent us here and get to the bottom of it right away. I don't know why we wouldn't do that.

I've rarely seen something that appears to be so open and shut before this committee in the years I've been on this committee—

**The Chair:** Mr. Calkins, are you talking to the amendment or the motion?

**Mr. Blaine Calkins:** Well, I was going to talk to the motion before the amendment, but—

**The Chair:** We have to deal with the amendment first, I believe. It's the normal way we would do it—

**Mr. Blaine Calkins:** The amendment talks—

**The Chair:** —and then talk to the motion after that.

**Mr. Blaine Calkins:** Okay, go ahead. You're the chair. I'll respect that.

**The Chair:** Thank you, sir.

If there's no other discussion on the amendment, I'd ask the clerk to perhaps read it out and we'll do the vote.

**The Clerk:** On the amendment of Madame Gill, Mr. Battiste—

**Mr. Mel Arnold:** Mr. Chair, a point of order. I believe you asked for the amendment to be read out again.

**The Chair:** Yes, I did, just so everybody has an understanding of what the amendment actually is.

**The Clerk:** Could we ask Madame Gill to read out her amendment?

**The Chair:** Madame Gill.

[*Translation*]

**Mrs. Marilène Gill:** For the word “permanently”, I just wanted to substitute “the current fishing season.”

[*English*]

**The Clerk:** Thank you.

(Amendment negated: nays 10; yeas 1 [*See Minutes of Proceedings*])

**The Chair:** The amendment is defeated. Now we'll go back to the original motion.

Mr. Johns, you have your hand up.

• (1740)

**Mr. Blaine Calkins:** Mr. Chair, I had my hand up after Ms. Gill, and you asked me to hold my comments.

**The Chair:** Oh, yes, I did.

I'm sorry. I apologize, Mr. Calkins. You're up, sir.

**Mr. Blaine Calkins:** Thank you.

Sorry, Gord, but we'll get to you.

I think we have the opportunity here to summon the minister. I don't know why we would beat around the bush and wait to hear from departmental officials when we have the opportunity to intervene immediately and talk to the minister. It looks like the commit-

tee is unanimous in its support for the stakeholders who are here. Like I said earlier—just to reiterate, so I'm on the record at the right point in time of the debate—rarely do we have this kind of unanimity. Rarely have we seen something as obviously unjust. Even though it might seem like a minor issue, this is a very important technical issue for the harvesters; and we have an opportunity as a committee, I think, to actually influence change in a relatively short order. Goodness knows that the good ship Canada does not usually change direction in a timelier and quick fashion at all. I don't know why we would be hesitant or reluctant to do that.

I don't see this as being confrontational or combative with the minister at all. If the dozen or so of us at this table are all feeling the same way about this issue, then surely to goodness if we brought our colleague, who is the minister, to the table to have the conversation, I don't see how that could be combative at all. I see it as being constructive on behalf of the fishers. I don't know, for the life of me, why we would hesitate to use what little influence we have sometimes as a committee to influence that change as quickly as possible.

Thank you, Chair.

**The Chair:** Thank you, Mr. Calkins. We'll now go to Mr. Johns.

**Mr. Gord Johns:** I had misread the dating on this. I think this is a good motion. This isn't that complicated. They can't need weeks to work on this, to come back to us to explain their decision. They made up their mind on this. It should have been well thought out. It shouldn't be hard for the minister to get the information tomorrow and come before us on Wednesday. I'll absolutely be supporting this motion.

**The Chair:** Thank you, Mr. Johns.

Mr. Bragdon, you had your hand up.

**Mr. Richard Bragdon:** Thank you, Mr. Chair. I appreciate the opportunity to speak to this again.

Thank you, Mr. Johns. I agree that all parties here have agreed on the need to do this and we've heard from each of these witnesses. I think it's very important for the harvesters to have a signal sooner rather than later and have certainty around this, so that there's not, in the midst of COVID and all the other uncertainties right now in the global markets, further uncertainty with this left ambiguous. We don't know exactly when we're going to hear from future witnesses, and action is being delayed. Let's take action on this. We seem to have all agreed on what we need to do here. Let's act get it done sooner rather than later, so that our harvesters have the certainty they need. Thank you.

**The Chair:** Thank you, Mr. Bragdon.

Mr. Arnold.

**Mr. Mel Arnold:** Thank you, Mr. Chair. I'll be quite brief.

I have to agree that we have Canadians—the harvesters and the communities they support and that support them—who need some certainty as they move forward, certainly through this year and beyond. I think it is a quite reasonable request of the minister to explain or at least to provide some information back to the committee immediately so that the harvesters and Canadians can have some certainty going forward.

That's all I'll add at this time. Thank you.

**The Chair:** Thank you, Mr. Arnold.

Mr. Beech.

**Mr. Terry Beech:** Thank you, Mr. Chair.

I want to utilize this opportunity to reiterate what I have often reiterated to this committee, that the minister is always happy to come and meet with her colleagues on the fisheries and oceans committee. That said, I don't think I've witnessed such a short deadline, at least not in the five and a half years I've been serving on these committees. The minister is already invited to present to this committee on the salmon study. By passing this motion, we would, of course, be deferring the next salmon study meeting.

The opposition has an opportunity to ask about this issue every single day during question period. I would just suggest that if this is the ultimate priority of the committee, perhaps we would give the minister a bit more time in order to make an appearance. However, that's just me.

I also think there is a reasonable argument for listening to the DFO officials and then having the minister come in, but the committee is independent and the committee can do whatever it sees fit.

• (1745)

**The Chair:** Thank you, Mr. Beech.

Mr. Hardie.

**Mr. Ken Hardie:** Mr. Chair, there are two dynamics here: what the DFO has done and how they've done it.

If the minister comes swooping in and says, “No, let's clear the decks here; we're just going to let this go on as it is,” I would hate to see the DFO, in effect, let off the hook of having to come in here and explain themselves in this process. We want to ask, why did they do that, and most importantly, why did they do it the way they did?

I think there's a learning opportunity, shall we say, for the DFO to come in and spend a little time being slow-roasted here, which I'm sure our committee members are quite capable of doing. I would like to see that happen, as opposed to just rushing to a conclusion.

Let's give the DFO the fair process they obviously haven't given other people.

**The Chair:** Thank you, Mr. Hardie.

Mr. Calkins.

**Mr. Blaine Calkins:** Thank you.

I would respectfully say in response to Mr. Hardie's comments that the issue at hand isn't the slow-roasting of departmental offi-

cial's whose salary and paycheques do not depend on any specific timeline at all. We have individuals at the table here for whom a fishery season starts, who have laid out cash and have put their livelihoods on the line, and who need a decision on this in a timely manner.

If I look at the schedule, the fishing season is supposed to start before we would potentially even have DFO officials coming back to the table, so I don't know why we'd hesitate. Nothing would stop us, after having the minister in as soon as possible, from going back and exploring the hows and whys and the consultation process retroactively.

I think what's urgent right now is to fix a problem. Otherwise, why did we have this committee meeting in such a rushed manner? We had so many other committee studies that we'd adopted over the last year and a half of this Parliament. It was so urgent to get this done in a timely fashion, and now, all of a sudden, it's not urgent because, lo and behold, we want the minister to come before the committee.

As I said, I don't see this as being a confrontational thing. As members of this committee, we have an opportunity here to actually fix something that, it appears on every level, no mind at this table can fathom or figure out the possible motivation for. It's just something, an oversight or whatever the case might be, but there's nothing here the minister can't explain and nothing here the minister can't overturn.

We have an opportunity immediately to correct an injustice, or what appears to be an injustice. I don't know why we would hesitate in the name of figuring out how this all went awry. We can do that later. Right now, we have an injustice that needs to be fixed in a timely fashion so that people can get out on the water and earn a livelihood, which, goodness knows, is getting hard enough to do in this country.

**The Chair:** Before I go to Mr. Morrissey, I will say to the witnesses here that you're free to leave the meeting at any time. You don't have to stay, or you can if you want to for your own pleasure. I just wanted to let you know that you can exit the meeting at any time.

I'll go now to Mr. Morrissey.

**Mr. Robert Morrissey:** Thank you, Chair.

I just need clarification. What are we discussing? Is it bringing the minister?

The motion, unless it was changed—I don't believe it was—is that the chair, the parliamentary secretary and Liberal Party committee members request an audience with the fishery minister tomorrow. We're going to have an audience tomorrow. I'm not sure if I'm ready for an audience tomorrow to ask her to permanently rescind the reinterpretation, and the Liberal members report back to the committee.

I would like the clerk to give an opinion on when a committee has directed other members of the committee to take an action on behalf of the committee. I find that a bit perplexing.

Mr. Chair, could you explain just where we're going on this or have the mover explain it?



• (1750)

**The Chair:** I can ask Mr. Bragdon to explain it, I guess.

**Mr. Robert Morrissey:** Mr. Chair, I want clarification on voting to direct certain members of the committee to take a particular action. Is that within the scope of the committee's mandate?

**The Chair:** I would have to ask the clerk for clarification perhaps.

**Mr. Robert Morrissey:** Could I?

That's what I'm asking for, Mr. Chair.

First, I would like to know what I'm voting on, because in my time I have never seen this type of motion. Obviously, everyone wants to get here. I, too, would like to hear the officials, and then the minister would have the final say, but the motion is directing you as the chair, the parliamentary secretary and the Liberal Party members to take a particular action. I'm perplexed, Mr. Chair.

**The Chair:** Madam Clerk.

[Translation]

**Ms. Nancy Vohl (Procedural Clerk):** Mr. Chair, Mr. Morrissey, thank you very much for the question.

Actually, committees generally make their decisions when they meet. So these are decisions of the committee, not indications to individual members to act indirectly on behalf of the entire committee.

Generally, the committee as a whole could instead pass a motion to invite the minister or pass a motion or report to be presented to the House, which could be one page, stating its position and what it thinks.

It is quite rare that only certain members of the committee are asked to try to influence the minister.

[English]

**The Chair:** Thank you, Madam Clerk.

Mr. Morrissey, I don't know if that answers your question or not.

**Mr. Robert Morrissey:** Well, yes, Mr. Chair, it appears that the clerk would be saying that a motion cannot direct some members of the committee to take a particular action on behalf of the committee.

Did I interpret that right, Madam Clerk?

[Translation]

**Ms. Nancy Vohl:** If we are really being asked if this is permissible, I would have to check the procedure manuals. If I limit myself to the powers of committees, they are to be able to call witnesses and report to the House. If you really want to know the specifics, whether the committee can ask only some of its members to take any action, I would have to check the procedural manuals.

[English]

**Mr. Robert Morrissey:** Then, Madam Clerk, that's what I need clarification on. It's most unfair for a member of this committee to bring forward a motion for the committee to vote on that directs and names certain members of the committee to take an action. I

find that difficult to follow. I would like a clear interpretation of the ruling to be brought back to the committee.

Thank you, Chair.

**The Chair:** I know others have their hands up, including the mover of the motion. Perhaps he would like to add something to this discussion, since he's the one who moved it.

**Mr. Richard Bragdon:** Sure, thank you, Mr. Chair. I appreciate it.

Once again, look, all of us want clear action on this. All of us want to see action taken sooner rather than later. There have been very few times in the life of this committee that we've had something as clear and as necessary to act on in an expedited fashion as what we are seeing before us right now. We have heard from multiple witnesses. We've heard this raised in the House of Commons by several parties.

The season is fast approaching. This is not an unreasonable request. This is asking that a decision be made right away that will bring absolute certainty to the harvesters who are most affected by this change of interpretation that has gone against 50 years of precedent. That is not unreasonable. That is not something done in an ill spirit. It is just something that is a reasonable ask for, namely, that we get action taken on this. It is a motion to make that happen.

I hope that all members of the committee can understand that.

Thank you, Mr. Chair.

**The Chair:** All right, I'll go back to my list.

Mr. Mazier.

**Mr. Dan Mazier:** Just on the same theme, being a farmer I understand the rules of nature. Everything works in cycles. These witnesses, these people sitting in front of us today, are running on a different cycle from ours as parliamentarians. They don't have time to go and consult with a minister or consult with a department; they need answers now. They report back to their families. They report back to their communities. They have to feed people; I definitely get that. What minister, in their right mind, would sit back and say, I want to put it off to another day?

I don't understand all this push-back from colleagues in the government, who are saying that we have to delay it for another meeting. Just get the conversation going with the department and the minister, and report back. Everybody can go ahead and do what they have to do so that these people in front of us can go out, make their livelihoods, and with respect and dignity, not having to look over their shoulders figuring that the government's going to come out and get them.

That's my two cents' worth.

• (1755)

**The Chair:** Thank you, Mr. Mazier.

Mr. Johns, before your hand gets weak holding it up.

**Mr. Gord Johns:** I don't know why my "raise hand" function is not working.

First, I'm ecstatic that the Conservatives now want immediate action, because they voted against making this study a priority, and I'm ecstatic that everybody's heard how timely this is. I support this motion. I really appreciate Mr. Bragdon's seeing the light on this, namely, that we need to move quickly in supporting these fish harvesters. I think it's a good idea.

This isn't that long. It isn't complicated. It isn't some big issue where they need weeks in advance to prepare the minister. This is simple. We need some simple answers from the minister, and for her to appear. Hopefully, she will just make the right decision tomorrow morning and say, "That's it, we're not going to do this anymore. We're going to stop the assault on these prawn fishers." That's the hope. Let's hope that happens, but I support this motion wholeheartedly.

**The Chair:** Thank you, Mr. Johns.

Mr. Arnold.

**Mr. Mel Arnold:** Thank you, Mr. Chair.

I don't think there's any reason that members can't approach their minister. They're in her backyard, basically. I'm sure her staff have been monitoring everything that's been taking place in this committee today. I've seen members from all parties shake their heads at what's actually taken place, and agree that it needs to be reversed. Canadians' lives are dependent on it. The initiative needs to be done sooner rather than later.

We don't know when we are going to get the officials back before this committee. As I said earlier, we certainly need to hear from those officials to understand their reasoning. We need to hear from the minister if she's going to rescind this interpretation in perpetuity so that these harvesters can get on with their lives and support their families.

**The Chair:** Thank you, Mr. Arnold.

Mr. Beech.

**Mr. Terry Beech:** Thank you to my colleague, Mr. Morrissey, for clarifying the motion. I still haven't received a copy of it in both languages, which I believe we clarified is what needs to happen before we can debate this. Indeed, the first time I spoke to it, I didn't actually know what the entire motion was, despite its being read. I still haven't received it. I'm hoping that somebody is working on that actively in the background.

The other thing I would say is about this sense of urgency that's being displayed by members. I have said in the House of Commons, in response to a question during question period, at least once, maybe twice—I'd have to check the blues—that tubbing is happening this season.

I don't think this motion is actually helping to get anything specific accomplished, but I just want to make sure that those two points are on the record.

**The Chair:** Thank you, Mr. Beech.

Mr. Morrissey.

**Mr. Robert Morrissey:** Again, Mr. Chair, the motion we're being asked to vote on is not to call the minister before the committee. The motion is to delegate you, Mr. Chair, the parliamentary secre-

tary, and certain members of the committee to have an audience with the minister and to report back.

It's questionable if this can be done by the committee. There are a number of methods. The committee could choose to send an urgent letter to the minister asking for her clarification, and to confirm what Mr. Beech said to the committee, that this issue has been dealt with clearly for this coming fishing season. This is what people want and request. We'll then hear from the officials and get to a long-term decision.

It's my understanding from Mr. Beech, and nobody has contradicted that, that there's a bit of ambiguity. We could get that cleared up, that tubbing will be allowed for the coming fishing season.

It would be more prudent if the committee sent a dispatch to the minister, asking for a clarification and a confirmation of what Mr. Beech said to the committee. This could then be provided to the fishers on the west coast.

That would actually be helpful, Mr. Chair, and I would be very supportive of that. Voting on the motion—we could vote on the motion now—will not accomplish in getting the minister here, because that's not what it is asking.

• (1800)

**The Chair:** Thank you, Mr. Morrissey.

[*Translation*]

Ms. Gill, you have the floor.

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

I was just wondering if the clerk is currently doing the work necessary to be able to tell us whether or not the motion is in order. Is that what we're looking at right now?

I would like to know if we are moving forward.

I know it's work, but could we know fairly quickly if the motion is in order?

**Ms. Nancy Vohl:** There are two elements to this. First, we are trying to get the information on the procedure. Second, there are other meetings scheduled in this room at 6:30 p.m. So we are working on the logistics of whether the committee can continue its meeting in this room, whether it will have to change locations, or what the other options would be. We are trying to do everything at once.

We'll get back to you shortly.

**Mrs. Marilène Gill:** Thank you very much, Mr. Chair and Madam Clerk.

[*English*]

**The Chair:** Thank you, Ms. Gill.

I would like to ask the clerk a question. It came up in discussion with Mr. Morrissey earlier on the nature of the motion itself, empowering the chair, the parliamentary secretary and Liberal members to have an audience or a meeting with the minister, requesting that this be reversed.

Mr. Morrissey has asked about the validity of such a motion. Could you enlighten me, if you can, to the answer that was given?

**The Clerk:** The committee can agree on some things, but it wouldn't be binding, because it's not one of the powers the committee has to have an indirect influence. The committee can decide all sorts of things, but, per se, it would not be binding, and it would not be anything that is procedurally formal.

[Translation]

So this would not be the usual way to proceed and this way would not create any obligation for the minister.

[English]

**The Chair:** Mr. Morrissey, please go ahead.

**Mr. Robert Morrissey:** Thank you, Chair.

Again, I would like the clerk to clarify this. I have sat on multiple committees. I have never seen a motion such as this where a member makes certain members of the committee undertake something with certain ministers and to report back.

I would be agreeable—I can't speak for all—if the committee chose to send a letter to the minister, an urgent request to the minister, confirming the position Mr. Beech outlined, which was stated in question period. There's no question on the legality of tubbing for this coming season. Doing this would be very helpful to everybody involved, including the fishers. That would be the most helpful aspect.

I'd be curious to hear where the committee came.... Then we would proceed with the committee, as it is scheduled, to hear how DFO officials arrived at the position they're taking. Then we would follow up to ensure that, whatever action is taken, it does not impede the long-held practice of that fishery. That would be more than official.

Again, the motion clearly does not appear to be in order. In my opinion—and I don't want to aggravate everybody—this was simply window dressing at the last minute to pretend somebody wanted to move quickly. If we want to confirm and follow through as a committee to get, clearly and unequivocally, the position of the minister and DFO with regard to tubbing, this committee could send that request for clarification to the minister by email or letter and get that clarification for the fishers on the west coast, which I assume would be very helpful to them.

Thank you, Chair.

• (1805)

**The Chair:** Thank you, Mr. Morrissey.

Mr. Arnold, you have your hand up again.

**Mr. Mel Arnold:** Thank you, Mr. Chair.

This motion was put forward today after the testimony we heard today in which the witnesses repeatedly said that this regulation

makes no sense. We have members right around this table who have said this makes no sense. They are continuously shaking their heads at it.

What we are trying to do here is to get the members on the committee who are able to get a direct message to the minister in an immediate way to do that. We've seen letters of response from the minister take as long as four months. These harvesters can't wait that long. They need to know whether they can purchase tubs, how they can equip their vessels, and so on.

I would just urge the members to consider following through on their words of platitude today to make sure they follow through on that.

Thank you.

**The Chair:** Thank you, Mr. Arnold.

Mr. Morrissey, do you have your hand up again?

**Mr. Robert Morrissey:** Yes. Just so that we're clear and the members from the west coast fishery understand what's going on, if this motion is voted on and approved, it will accomplish nothing, because it cannot bind the committee members whom it is referring to. I just want everybody to be clear; it does not bind anyone. The motion is simply directing the chair and the Liberal members of the committee to do something that they're not bound to do. I, for one, will not be following up on that, Mr. Chair.

It's important for the fishers on the west coast to understand that approving this motion is not going to accomplish anything with respect to a definitive answer. We can request, with the strength of the full committee, a definitive answer from the minister. That has already been articulated by the parliamentary secretary, Mr. Beech. The question was answered in the House that during this season, tubbing is going to be allowed. We want to get that clearly. I fully support your request and the committee getting a clear directive from the minister. I think that could be accomplished by the committee *tout de suite*.

**The Chair:** Go ahead, Mr. Johns.

**Mr. Gord Johns:** I have a couple of things.

First, we did hear testimony and we're united in seeing the injustice that's happening to these fishers. Everybody on this committee has recognized the injustice. That we are united on.

This motion, you're right, is not binding. It's sending a message to the minister. I see that if we support the motion, we're asking the members of this committee on the government side to meet with the minister and get the minister to make a quick decision. Given that the whole west coast is united on this, we're asking the minister to just make a decision and to explain what she's doing by Wednesday.

I don't think this is a far-fetched motion. I think we should all support it and hope that the minister gets back to everybody quickly. Again, if she's not prepared on something like this, then we have a bigger problem. She made a decision that impacts the livelihoods of these fishers, the coastal communities in which they live, the restaurants, the whole coast and the integrated food web of even our tourism sector. I mean, if she has made a decision like this and she thinks she's going to leave it to a fisheries officer who might be having a bad day and is saying, well, they have discretion, then that's not good enough. It's not good enough for Ms. Orr and it's not good enough for Mr. Lawson.

I think she should be here, or at least send a message back to the committee on Wednesday, on why they are doing this, or have the department in front of us on Wednesday, reporting back. Why wait? This is why I called for an emergency study, with the support of Mr. MacGregor and Ms. Blaney. We wanted this study as an emergency. I know there was push-back. There were even colleagues who said it was a knee-jerk reaction. This is not a knee-jerk reaction. This is absolutely a priority.

So I support this motion. I hope we'll all support this motion. Hopefully, by Wednesday we'll get something back so that these people can get back to fishing, where they belong, instead of in front of our TV screens. They belong on their boats on the water so that they can feed their families.

• (1810)

**Mr. Richard Bragdon:** You're muted, Mr. Chair.

**The Chair:** I'm sorry. That's a mortal mistake.

Mr. Johns, all I'll say is that, yes, it was imperative that the committee get this particular study started right away, but as you know, at the last meeting, when we discussed the schedule, something else was booked for Wednesday, I believe, and maybe the next two or three meetings. To have anyone come Wednesday... People are probably already lined up to come for what was previously set last week as the schedule by this committee. To change that...

Before I go to Mr. Calkins, I think the clerk was signalling that she wanted to say something.

**The Clerk:** No, I don't especially need to say something. We're trying to figure out how long we can stay in that room with the same services. We're working on that while you are debating.

**The Chair:** Okay. Thanks.

On that note—

**Mr. Jaime Battiste (Sydney—Victoria, Lib.):** Mr. Chair, am I the only one who doesn't have a "raise hand" function on their computer?

**Mr. Richard Bragdon:** I don't either.

**Mr. Jaime Battiste:** I can't raise my hand, and I think it's the same for Gord and Richard. I can't find the "raise hand" function and I've been wanting to chime in.

Is anyone else having this problem?

**The Chair:** Yes, they are, obviously. You have to wave frantically for me to notice you. That's the easiest way to do it.

Mr. Calkins, you were up next with the hand raised, although I notice it's not up now.

**Mr. Blaine Calkins:** Yes, I know. I'm having so much fun, because I can put my hand up and I can take my hand down whenever I want. The function works perfectly fine on my machine.

**Mr. Jaime Battiste:** Where is it?

**Mr. Blaine Calkins:** Notwithstanding that, Chair, I do think, as a matter of respect for other committees, we should perhaps resolve this sooner rather than later, but that's a question for you to decide as to when we get to the question.

I just want to make note of the simpleness of the ask of this particular motion. It asks for Liberal MPs who care enough about the fishery to go and talk to their minister to see if we can get a different result. I find it very disheartening to see one of the Liberal committee members wanting to actually win this on a technicality and not serve the interests of the people who have appeared before the committee today rather than just go ahead and do something a little bit unorthodox and get something done on behalf of Canadians.

**The Chair:** Actually, Mr. Calkins, that technicality may either carry the day on this motion, if it passes, or turn it down. It could be challenged on that very technicality. So you can't cross both t's there.

Mr. Beech.

**Mr. Terry Beech:** Mr. Chair, I won't be voting for this motion, but I'm happy to inform the committee that I speak to the minister quite regularly, including on this issue, and I'm happy to speak to her today.

**The Chair:** Thank you, Mr. Beech.

Mr. Bragdon.

**Mr. Richard Bragdon:** Mr. Chair, we've talked about this. We've gone around it. A motion is on the floor, so let's have the vote. We should do this for the harvesters who are represented here. I think it's an important signal to send. This is a priority for each one of us and it's a priority for the Canadian harvesters.

Let's move the motion. How particular individuals respond to it and what the government or committee members choose to do with it will obviously be up to those who will have to take action, whether they choose to or not.

The motion is on the floor. If you would, Mr. Chair, call the question.

**The Chair:** I can't call the question, I don't think, when someone has their hand up to continue discussing it, and Mr. Morrissey has his hand up, Mr. Bragdon.

I'll go to Mr. Morrissey.

**Mr. Robert Morrissey:** Mr. Chair, could you give us a ruling on the questions I have raised?

**The Chair:** Okay.

Could I ask the committee to suspend for a moment? I'll have a chat with the clerk. I'll ask her to give me a call.

• (1810) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1830)

**The Chair:** I, of course, apologize for the length of time it has taken to have some discussions on this. I believe, with regard to Mr. Morrissey's point.... In my discussion with the clerk, I've been told that the only way that individual members can be directed to do something specifically is by the House of Commons. Therefore, I am compelled to rule the motion inadmissible as it now is.

Mr. Morrissey, do you have your hand up, or are you waving goodbye? Okay.

Mr. Johns, you have—

**Mr. Robert Morrissey:** Mr. Chair, no, I wasn't waving goodbye.

Mr. Chair, I'm not sure that we can amend an inadmissible motion, but we could proceed with a motion that would read something like this: "That the committee ask the Minister to provide clarity on the season's regulations to industry as urgently as possible in order to provide certainty for this year's season." I would be agreeable to that. We all agree. There's consensus on getting Clarity from the minister. It was just that the process that was being put forward by the Conservative member was, as we found out, inadmissible, and it simply wouldn't accomplish anything, Mr. Chair.

I, for one on this committee, want to accomplish clarity. I believe that we could do it in a motion such as I suggest if it receives the support of this committee, Mr. Chair.

**The Chair:** Okay, thank you for that.

Mr. Arnold, do you have your hand up?

Wait. I'm sorry. Mr. Johns was waving his hand as I was debating whether Mr. Morrissey raised his hand or if he was just waving it.

Mr. Johns.

**Mr. Gord Johns:** I definitely had my hand up.

We've asked for clarity from the minister. With regard to this motion that was deemed inadmissible, I think we could still amend it, such that we just ask the minister, in a letter from the committee, to permanently rescind the interpretation. All we could do is take everything in here, and we could just put, "That the committee...".

**The Chair:** Mr. Johns—

**Mr. Gord Johns:** Yes.

• (1835)

**The Chair:** —you can't amend a motion that's already been deemed inadmissible.

Mr. Morrissey has another motion on the floor. If you want to amend that, that would be fine.

**Mr. Gord Johns:** Okay. I think we should amend it. Hopefully, Mr. Morrissey will be friendly to this. We can't just have this open-ended and vague motion with no-timeline for the minister to rescind this season the reinterpretation of the rule. We're asking her to just stop this permanently—to just drop the whole thing. That's what we need. That's what we're looking for. I think that's the goal of this. I hope Mr. Morrissey would be open to amending his motion that we're sending a message to the minister. We're calling on her to rescind her decision and the reinterpretation of this rule.

We heard.... Everybody heard.... We're united here in thinking that this is ridiculous. I don't know anyone on this screen who doesn't. I just hope that Mr. Morrissey would be open to an amendment to clean up this motion that he has so that....

How are we going to do it with the rules around translation? We want to make sure that we accommodate Ms. Gill. Out of respect to Ms. Gill, we have to honour that. I hope that Ms. Gill can share her perspective on that because we have to respect her and her right to have this in her language, in French, her first language. I just want to ensure that we have this in both official languages.

I'm hoping that we can pursue something a little more substantial in terms of a motion if we're making a motion. The previous motion was vague at best. I think that we need something a lot more clear and a lot more substantial from this committee.

**The Chair:** Before I go to anyone else, I will ask Madam Gill if she's getting all of this in translation.

[*Translation*]

**Mrs. Marilène Gill:** No, I did not get the translation. Yes, as Mr. Johns said, I would like to get the translation.

[*English*]

**The Chair:** Okay, thank you.

Now, Mr. Arnold, you had your hand up.

**Mr. Mel Arnold:** Thank you, Mr. Chair.

What Canadians need is certainty. All we really want is the Liberal members to meet with the minister and relay to her the urgency of this matter. Really, it's coming down to legal opinions on what the interpretation is. I don't know if there's anyone except the minister who can actually put out a directive to say what that interpretation is.

The interpretation was that tubbing would not be permitted. It needs to be very clear that tubbing will continue and that the reinterpretation will be rescinded. These prawn harvesters and the people who rely on them need this certainty. Really, all we wanted was for the government members on the committee to approach the minister to express the urgency of the situation and to have her be very clear: not just to provide an opinion or clarity, but to be very clear that the reinterpretation that tubbing would be illegal has been rescinded. That's all.

Thank you.

**The Chair:** To that point, Mr. Arnold, to one of them at least, I believe that I've already ruled that the committee cannot direct committee members to do something. The only way that can be done is through the House, yet your discussion was again asking the Liberal members to do exactly what was inadmissible in the form of a motion.

I'll now go to Mr. Calkins. He's had his hand up. Maybe he's got it back down.

**Mr. Blaine Calkins:** I did put it back down.

Suffice it to say, Mr. Chair, that I appreciate the comments that Mr. Beech made earlier suggesting that the intent of what our motion was had already been done to that effect, but I'm looking forward to having Mr. Johns actually present something. If he has some specific text to specifically request something of the minister, I would be happy to see what that is.

**The Chair:** Thank you.

Mr. Beech.

**Mr. Terry Beech:** I hope that I can suggest the following common-sense solution to the committee.

I've already stated that I'm going to speak to the minister today. There's a motion on the floor right now from Mr. Morrissey, which I guess somebody is probably rushing to translate into French so that it can be an actual motion, but we do meet on Wednesday. If the motion—I don't have the exact wording in front of me—says that we request an urgent response, and if we don't have a response by Wednesday, well, then, the committee can continue to take further action.

Why don't we pass Mr. Morrissey's motion? If committee members then feel on Wednesday that further action is needed because they don't feel that enough action was taken in these next 48 hours, we can deal with it then. I think if we just pass the motion. I know that the minister is taking this issue seriously, and I would expect there to be urgent results.

• (1840)

**The Chair:** Mr. Bragdon.

**Mr. Richard Bragdon:** Thank you, Mr. Chair.

Now we're down into procedure, obviously, and we're down into this and that, but really, we can expedite this. If Mr. Beech is agreeable that he speak directly with the minister, we can have something back perhaps as early as Wednesday night that will give clarity to the prawn harvesters and to the sector that wants urgent action taken and clarity brought to the situation, and that brings to this the resolution that we wanted.

If Mr. Beech has already volunteered and is willing to do that.... I see that Mr. Johns is in favour of it. I think we would be good with that as well. I'll take Mr. Beech at his word. I trust that we'll have some form of clarity around this by Wednesday night, hopefully. I'm good with that. If he's good with that, I think we got to where we need to be.

**The Chair:** I see that Mr. Beech gave a thumbs-up to it, so I believe we'll take that as the affirmative.

Madame Gill, you had your hand raised.

[*Translation*]

**Mrs. Marilène Gill:** Actually, it was for Mr. Morrissey's motion, which I didn't get in French, but if we can agree, there's no problem, it's fine with me. So I'll come to an agreement with you by Wednesday.

[*English*]

**The Chair:** Okay.

Mr. Morrissey, are you okay with this?

**Mr. Robert Morrissey:** Yes, Mr. Chair, I'll rescind my motion based on the common conversation here and the undertaking that Mr. Beech has given to the committee.

**The Chair:** Okay.

Okay. Now, the committee is back to normal now: congenial and getting things done together as a group. It's great to have everybody back.

On that note, I'll say thank you again to the witnesses today. I have to say as an East Coaster that it was very informative to hear what's going on on the west coast and to hear that you're experiencing some problems that I experience on this side of the country as well. Again, thank you, one and all, for your testimony here this evening. It was very valuable.

Again, I want to thank Mr. Johns for pushing this as a study and pushing to get it done, because it seems that it did need a lot of attention brought to it. Hopefully, we can get something rectified very shortly—

**Mr. Robert Morrissey:** We all agree that it needs a quick and clear answer.

**The Chair:** On that note, I'll say that the meeting is adjourned.









Published under the authority of the Speaker of  
the House of Commons

---

### SPEAKER'S PERMISSION

---

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

---

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

---

### PERMISSION DU PRÉSIDENT

---

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

---

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :  
<https://www.noscommunes.ca>