

Draft Regulations

Draft Regulation

The Agricultural Products, Marine Products and Food Act
(R.S.Q., c. P-29)

Food —Amendments

Notice is hereby given, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting food, the text of which appears below, may be made by the Government upon the expiry of 10 days following this publication.

The purpose of the draft Regulation is to protect the health of consumers by minimizing the risk involved in the consumption of live marine bivalve molluscs.

To that end, it proposes to set up a system that will make it possible to identify the origin of live marine bivalve molluscs at all times, from the time they are picked or harvested, to the time they are marketed.

Under section 12 of that Act, the draft Regulation may be made at the expiry of a shorter period than the 45-day period applicable prescribed under section 11 of the same Act, by reason of the urgency due to the following circumstances:

— the consumption of marine bivalve molluscs involves more risk than that of other fish and food since they filter the water around them and may accumulate viruses, enteric bacteria, toxins such as domoic acid, diarrhoeal phycotoxins (DSP) and other substances such as heavy metals and radioactive elements;

— given the virulence of the toxins that could be involved in food poisoning related to the consumption of live marine bivalve molluscs and the impact on the health of Québec consumers, it is essential that the proposed measures come into force and be applied as soon as possible during the next season to minimize the risk involved in consuming those products.

The proposed amendments to the Regulation respecting food will have no major impact on small businesses and no new licence will be prescribed. The development of domestic markets by Québec businesses will have

positive effects on local employment and Government tax revenues by limiting parallel or black market transactions.

Further information on the draft Regulation may be obtained by contacting Mr. Pierre Léger, Direction de l'appui à l'inspection des aliments, 200, chemin Sainte-Foy, 11^e étage, Québec (Québec) G1R 4X6; tel. (418) 646-1910, fax: (418) 644-3049.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 10-day period, to the Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

RÉMY TRUDEL,
Minister of Agriculture, Fisheries and Food

Regulation to amend the Regulation respecting food*

The Agricultural Products, Marine Products and Food Act
(R.S.Q., c. P-29, s. 40)

1. Section 2.2.5 of the Regulation respecting food is amended

(1) by inserting “and, for each lot of live marine bivalve molluscs, the species, the date of fishing or harvesting and the area or sector of origin” after the word “receipt” at the end of subparagraph *b* of the second paragraph;

(2) by inserting the following after subparagraph *c*:

“Where a given lot of marine bivalve molluscs has undergone cleansing, the registers and vouchers shall also indicate the date on which the molluscs were taken from the area or sector they were in before being cleansed, the beginning and end dates of the cleansing process and, where applicable, the area or sector where they underwent cleansing.

* The Regulation respecting food (R.R.Q., 1981, c. P-29, r. 1) was last amended by the Regulation made by Order in Council 854-98 dated 22 June 1998 (1998, *G.O.* 2, 2635). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

Where a given lot of live marine bivalve molluscs is kept or conditioned in a fish-tank, the registers and vouchers shall indicate the beginning and end dates for the time the lot was kept or conditioned in the fish-tank and the source of the water in which it was kept or conditioned.”;

(3) by adding the following after the third paragraph:

“For the purposes of this Regulation, a lot of live marine bivalve molluscs is composed of only one species from the same area or sector, picked or harvested on the same date and, where applicable, cleansed on the same dates in the waters of the same area or sector or processed or conditioned identically on the same dates.

Furthermore, the area or sector corresponds to the areas or sectors delimited in the Quebec Fishery Regulations (1990) SOR 90-214, Can. Gaz. II 1990 (Supplement — August 1, 1990), made under the Fisheries Act (R.S.C., 1985, c. F-14).

For the purposes of this Regulation, excepting this section, the area or sector of picking or harvesting means the area or sector where the molluscs were located upon picking or harvesting, regardless of whether they had been relocated for cleansing purposes.”.

2. The following is inserted after section 3.3.2:

“**3.3.2.1.** Every lot of live bivalve molluscs must be transported from the picking or harvesting to the location where it will be processed or conditioned for marketing, in a container, package or wrapping bearing a tag or an inscription mentioning the species, the picking or harvesting area or sector and the name of the harvester or sea farmer.

Those particulars shall be written in indelible, highly visible and legible characters.”.

3. The following paragraph is added after the third paragraph of section 3.3.3:

“In addition to the other particulars provided for in this section, every container, package or wrapping of mollusc meat or of live marine bivalve molluscs that is marketed must show, in indelible, highly visible and legible characters, the area or sector of harvesting and the date on which the lot was picked or harvested.

Furthermore, the container, package or wrapping of mollusc meat shall indicate the preparation date.

The fourth and fifth paragraphs do not apply to canned molluscs.”.

4. The following is added after paragraph *c* of section 3.3.4:

“(d) the area or sector of picking or harvesting and the picking or harvesting date of a given lot of live bivalve marine molluscs marketed in bulk.

Furthermore, where they are marketed in bulk, all live marine bivalve molluscs displayed shall come from the same lot.”

5. The following is added after section 9.1.2:

“**9.1.2.1.** Marine bivalve molluscs intended for human consumption must be picked or harvested in an area or sector where it is allowed under the Fisheries Act (R.S.C., 1985, c. F-14).”.

6. The following paragraph is added at the end of section 9.9.8:

“Live marine bivalve molluscs picked or harvested in a given area or sector, on a given date, may at no time be mixed with molluscs picked or harvested on different dates in other areas or sectors.

Live marine bivalve molluscs from one lot may not, at any time, be mixed with live marine bivalve molluscs from another lot.”.

7. The following is added after section 9.10.2:

“**9.10.3.** Every container, package or wrapping used for molluscs must be made of ratproof, waterproof, non-toxic and washable material.

Furthermore, the premises where live marine bivalve molluscs are kept before being sent to be conditioned, processed or marketed must be clean and equipped to avoid contamination.”.

8. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.