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Chair

Mr. Scott Simms

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• (0845)

[English]

The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)): Good morning, everyone.

Welcome to the continuation of our study about the vessel length policy issue. A motion was brought to us by Mr. Ken McDonald from the beautiful riding of Avalon, almost as beautiful as mine.

We're going to start out today with our first round. We have two rounds today.

We're going to hear from our officials from the Department of Transport. We have Jane Weldon, Director General, Marine Safety and Security. Ma'am, it's good to see you this morning.

We have Luc Tremblay, Executive Director, Domestic Vessel Regulatory Oversight and Boating Safety. That must be some size of a business card you have, sir, with that large title.

The Transportation Safety Board is also with us today. We have Jean Laporte, Chief Operating Officer, and Marc-André Poisson, Director, Marine Investigations. Gentlemen, it's good to see you.

We thank you all for coming here.

The way we normally do this is that each group gets up to 10 minutes to do its initial presentation, followed by questions from our members of Parliament.

We're going to start with the Department of Transportation.

Ms. Weldon, please proceed.

Ms. Jane Weldon (Director General, Marine Safety and Security, Department of Transport): Thank you very much, Mr. Chair.

Thank you very much for this opportunity to address the House of Commons standing committee.

[Translation]

As Transport Canada's Director General of Marine Safety and Security, I am well aware of the importance of the issues before the committee.

Transport Canada plays a key role in ensuring the safety, security, environmental responsibility, and economic stability of Canada's transportation system. We are the second largest regulatory department in the Government of Canada, and the department is

responsible for legislation and regulations that govern all modes of transportation.

[English]

By way of contrast, the Department of Fisheries and Oceans' mandate focuses on managing Canada's fisheries and supporting economic growth in the Maritimes fishery sector, contributing to sustainable aquatic ecosystems, and ensuring safe and secure waters.

DFO is responsible for fisheries management regulations, policies, and plans pursuant to the Fisheries Act and associated regs. DFO, obviously through the Canadian Coast Guard, is also responsible for search and rescue of fishing and other vessels, and marine communications and traffic services pursuant to the Oceans Act. Transport Canada and DFO work very closely together on many files.

Transport Canada's marine safety and security program develops and administers a significant number of regulations and their associated operational policies, guidelines, and procedures. These are all designed to advance the safety and security of our marine transportation system while ensuring it remains environmentally responsible and economically sustainable.

We are responsible for creating and enforcing rules to define minimum standards of safety in the design, manufacturing, and operation of all components of the marine sector and ensuring the qualifications of seafarers. We also fulfill an oversight function by issuing licences, certificates, and permits; conducting inspections and audits; and where necessary, enforcing the various provisions under our regulations.

[Translation]

Marine safety and security is the lead for Canada at the International Maritime Organization and other international marine bodies that establish international rules for the maritime industry. International conventions negotiated at the International Maritime Organization and adopted by Canada are reflected in Canadian legislation and regulations governing marine transportation.

• (0850)

[English]

The legislative framework for the marine sector consists primarily of the Canada Shipping Act, 2001; the Arctic Waters Pollution Prevention Act; the Pilotage Act; and the Marine Transportation Security Act. Underneath those, there are various regulations. Most important, I think, to this committee would be the fishing vessel safety regulations.

[Translation]

On July 13, 2017, phase one of the new Fishing Vessel Safety Regulations came into force. These regulations apply to fishing vessels that are not more than 24.4 metres in length and not more than 150 gross tonnes. These regulations set out new requirements for safety equipment, safe operating procedures, and vessel stability based on a vessel's hull length, type of operation, and type of voyage. For example, personal life-saving appliances are now required for all small fishing vessels according to their hull length.

[English]

Phase 1 of the regulations addresses a number of outstanding Transportation Safety Board recommendations regarding fishing vessel safety and is expected to reduce fishing vessel-related fatalities. The new fishing vessel safety regulations also aim to address the current renewal of the fishing fleet.

In recent years, many owners of fishing vessels have opted to replace their aging vessels with new construction in order to take advantage of changes to the policies on vessel replacement made by DFO, or for improved efficiency and capability. As a majority of the fleet has yet to be renewed, the changes to the rules put forth by DFO are drivers that further justify the amendments we will be making to fishing vessel safety regs.

[Translation]

Phase two will amend the Fishing Vessel Safety Regulations to update the provisions addressing the requirements for vessel construction of small fishing vessels.

Transport Canada continues to work closely with other government departments and leaders in the fishing industry to ensure the new regulations keep pace with the times and protect fishers, vessels, and the marine environment.

[English]

The goal of the Government of Canada is to implement regulations that promote both the safety of mariners and fishing vessels and the protection of the marine environment, while refraining from placing unnecessary barriers to ensuring an economically viable fishing industry. Transport Canada focuses on preventing accidents wherever possible, protecting people on board in the event of an incident, and making it possible to detect vessels in distress. As you can imagine, we take our mandate very seriously and will continue to update our regulatory regime in the best interests of Canadians.

Merci.

[Translation]

The Chair: Thank you, Ms. Weldon.

Mr. Laporte, you have 10 minutes. Please go ahead.

Mr. Jean Laporte (Chief Operating Officer, Transportation Safety Board of Canada): Good morning everyone.

Mr. Chair, honourable members, thank you for inviting the Transportation Safety Board of Canada to appear today.

My name is Jean Laporte. I am the Chief Operating Officer. Captain Marc-André Poisson, our Director of Marine Investigations, accompanies me.

[English]

We are pleased that the committee has undertaken a study to examine commercial fishing vessel length and licensing policies in Atlantic Canada. For the TSB, commercial fishing safety is one of the key safety issues that needs to be addressed to make Canada's transportation system even safer. Over the past five years, there have been 43 deaths because of fishing-related accidents. That's an average of 8.6 lives lost every year.

A few years ago, the TSB conducted a safety issues investigation into fishing vessel safety in order to understand the root causes underlying the loss of life on commercial fishing vessels. This investigation identified a number of systemic factors that require attention, such as vessel stability, life-saving appliances, fisheries resource management measures, training, fatigue, safe work practices, and the regulatory approach to safety.

In light of these findings, the TSB called for concerted and coordinated actions by federal and provincial authorities and leaders in the fishing community to address these interconnected factors. While we acknowledge that Transport Canada and the fishing community have taken a number of safety actions, more needs to be done. Fisheries resource management is one key area where little progress has been made.

Let us look at a few examples of the safety problems we've identified in our investigations.

First, as you know, Transport Canada regulates the safety of fishing vessels whereas the Department of Fisheries and Oceans regulates the fishing activities. In some instances, the TSB found that the vessels involved in an occurrence were not registered with Transport Canada, but were granted a fishing licence by DFO. Recent examples of this include fishing vessels *Sea Serpent* and *Pop's Pride*.

This points to a gap in the coordination of regulatory oversight that could potentially result in licensed fishermen fishing in an unsafe vessel. Under a coordinated approach, DFO could routinely verify TC registration of fishing vessels prior to granting a fishing licence, which could help resolve this issue. In British Columbia, DFO has implemented a regional policy to ensure that commercial fishing vessels registering with DFO have also registered with TC. However, this policy has not been adopted in Atlantic Canada.

Second, the work of the two departments overlaps in some areas and, if not well coordinated, can result in confusion and challenges for fishermen. For instance, the TSB observed that DFO and Transport Canada use different methods to determine a vessel's length. Vessel length can be measured by overall length, waterline length or "bow stem to rudder stock" length. Each method is different and yields different results for fishermen to understand and apply, as they seek to comply with the rules. Harmonization of rules and processes by TC and DFO could simplify things for fishermen.

●(0855)

[Translation]

Thirdly, when granting a fishing licence to a vessel, DFO requires that the vessel's length conform to the length restrictions set out by that licence. The length restrictions are in place as a means to limit the vessel's operating capacity, but DFO does not require an assessment of the vessel for its intended purpose.

The TSB has found that some fishermen modify their vessels by cutting off the tip of the bow, extending the length of the stern, or by widening the vessel in order to maximize their efficiency while remaining within these length restrictions. These modifications can compromise vessel stability and lead to accidents. For example, the TSB's investigation into the *Pacific Siren* revealed that the length of the vessel's buoyant hull met licence length restrictions. However, a stern extension was necessary to accommodate the 300 prawn traps allocated to the licence, and the owner modified his vessel accordingly.

[English]

Finally, fisheries resource management measures prescribe rules that govern how, when, and how much fish can be harvested. These rules often create economic pressures that can lead fishermen to take risks in order to maximize their catch and their income, for instance, weekly quotas instead of seasonal ones, unpredictable closing dates for a given season, and rules on how frequently nets must be attended.

The recent TSB investigation into the fishing vessel *Pop's Pride* is a situation where the crew decided to sail in adverse weather and sea conditions, likely due to several factors related to fishing resource management.

Another occurrence, in Placentia Bay in 2015, involved the loss of three lives. In that case, the master chose to use his secondary vessel, a smaller, seven-metre open boat, while his primary vessel was being repaired. He was not permitted to use a third vessel that he owned, because that vessel was licensed to his spouse and could only be used to fish her quota and 150 traps.

To our knowledge, DFO does not have a process in place to assess effectively the impacts of their policies on safety and help prevent tragic situations like these. Safety should not be an afterthought that comes after the preservation of fish stocks and the commercial viability of the industry when developing fisheries resource management measures. Safety must be an equally important consideration.

These examples clearly show the need for changes in policies. We believe that Transport Canada and the Department of Fisheries and Oceans need to work more closely together to improve commercial fishing safety. TC and DFO must ensure harmonization, consistency, and cohesion in their policies, rules, and processes pertaining to commercial fishing. Safety oversight activities must be properly coordinated. Information must be provided to fishermen in a user-friendly format.

●(0900)

[Translation]

Finally, the two departments must work together, in partnership with leaders in the fishing community, to develop and implement a national strategy for establishing and promoting a strong safety culture within the fishing industry.

We are prepared to answer your questions.

Thank you.

The Chair: Thank you, Mr. Laporte.

We will begin with Joël Godin, whom we seldom see around these parts.

Mr. Godin, welcome to the Standing Committee on Fisheries and Oceans.

Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC): Thank you.

The Chair: You are the member for Portneuf—Jacques-Cartier. Is that correct?

Mr. Joël Godin: That is indeed correct.

Mr. Chair, I'd like to commend you on the calibre of your French.

[English]

The Chair: I try.

[Translation]

That's very kind. Thank you.

Ms. Nassif, you represent the Vimy riding. Is that correct?

[English]

Mrs. Eva Nassif (Vimy, Lib.): Vimy Ridge, yes.

The Chair: It's probably the shortest riding name in the country, but it certainly is the most beautiful.

Mrs. Eva Nassif: Exactly, and my first name is short, too.

The Chair: Your first name is short, and you're looking at a guy who's just simply short.

That being said, let's move on, shall we?

Apropos the study, we're going to move to the mover of the study.

Mr. McDonald, you have seven minutes.

Mr. Ken McDonald (Avalon, Lib.): Thank you to our witnesses for taking the time to appear before us today.

Mr. Laporte, maybe I understood you wrong. Does DFO use one way to determine length overall and the Transportation Safety Board uses a different method?

Mr. Jean Laporte: DFO and Transport Canada use different methods, depending on which regulations and which rules we're looking at. Yes.

Mr. Ken McDonald: Okay, but you would think everybody would be on the same page with regard to safety, instead of using different rules.

Mr. Jean Laporte: We agree, and that's the point we're making before the committee.

Mr. Ken McDonald: Ms. Weldon, does Transport Canada use universal rules from coast to coast to coast when it comes to vessel length and vessel regulations?

Ms. Jane Weldon: We do.

Mr. Ken McDonald: We're finding that DFO doesn't use universal rules across the country, and even in regions they may have a different rule in Nova Scotia from what they have in Newfoundland and Labrador, where I'm from. I find it a bit odd and irritating to some degree that they would do it that way. I suppose it's a bit irritating for fishermen when they can look at neighbouring provinces being able to use a larger vessel, which I would think would be much safer, rather than being restricted in size because of simply being in Newfoundland and the rules being different there than they are anywhere else.

Do you think it would be safer for fishermen to be in a larger vessel or to be restricted to a smaller vessel simply because the policy states that's the one they should be using?

Ms. Jane Weldon: You can't actually say that inherently a longer boat is a safer boat. There are a lot of factors having to do with the boat's construction. I mean the vessel's construction.

Every Maritimer in Canada will be saying, "She calls it a boat".

It has to do with the vessel's construction, how it's used, how many crew you have, and the rest of it.

Certainly there is a perception that on average a longer boat is likely to be larger, heavier, and, if properly crewed, on average likely safer. One cannot say that, because it depends a great deal on whether people have made amendments and modifications to vessels and have had their vessel stability assessed. There are a lot of vessel construction considerations to determine what actually is the safest vessel.

Mr. Ken McDonald: Mr. Laporte, you mentioned that DFO will issue a fishing licence for a vessel without even seeing the vessel. They don't know the condition of it. They don't know its stability. They don't know if it's a wooden boat or a steel-constructed boat. Do you think that's a sensible way to be issuing a licence?

Mr. Marc-André Poisson (Director, Marine Investigations, Transportation Safety Board of Canada): The process is done on the west coast, and we feel that the west coast is doing a good job on that. We do wonder why it's not done the same way by DFO on the east coast. If it works on the west coast, it should be able to work on the east coast.

Mr. Ken McDonald: To me, safety should be the utmost, and a fisherman should have somebody to tell them, "Look, it's not safe to use that particular boat" versus, "Go wherever you're going with it." You would think that would be DFO's concern as well, or I would hope so. Hopefully we can make some changes going forward.

You mentioned a vessel that had some problems because of an extension on it, and I know in Nova Scotia, for example, for a forty-four eleven you can put on a five-foot extension under a platform as long as it's removable. They started doing that in Newfoundland and Labrador, and then it got changed and they were telling people, "No, we're not going to allow it anymore."

Do you think the five-foot extension under the platform would be a safety issue, or would you actually have to see how it's constructed and attached to be able to tell that?

● (0905)

Mr. Jean Laporte: I think you have to look at each case, but essentially having an extension by itself is not necessarily a safety problem if it's done right. If someone is considering modifying a vessel, there needs to be an assessment of those changes and the impact on that vessel and its stability, its operation, and so on. If the assessments are done properly and the calculations and the procedures are adjusted accordingly, there is no problem with doing some forms of extensions. Often we find that extensions are made, there is no stability assessment, there is no risk assessment of the extra weight that might be carried, and so on, and that leads to the accidents that we end up investigating.

Mr. Ken McDonald: What about when somebody modifies their boat because it's three feet too long and they either cut off the bow or cut off the stern? DFO doesn't do any inspections on that either, to see the stability with regard to the fishing industry?

Mr. Marc-André Poisson: It's not systemic. They wouldn't do it themselves, but it would be up to the regulator to determine if the vessel falls under the regulation. That's the part that TC is responsible for. The mariner, the fisherman, will adjust the length according to the DFO regulations and the type of boat he needs. He or she may cut the boat down for different purposes. That's up to the regulator to determine if it's safe or not.

Mr. Ken McDonald: How do you determine length overall? Which measurement do you use?

Mr. Marc-André Poisson: TSB does not use a measurement. We assess the measurement done by TC and done by DFO. We came up with the fact that they're not always using the same measures.

Mr. Ken McDonald: Explain "not always using the same measures". Are they doing it on different portions of the boat to determine length overall?

Mr. Marc-André Poisson: Yes.

It could be that TC would do from bow to stem, and this would meet the regulations, either the small vessel regulations or the large vessel regulations. If the fisherman decides to add on an extension, that extension would be covered by the TC regulations, but it would not be covered by the DFO regulations. DFO would say that it's bow to stem, and they don't include the extension. You can have have a 22-metre boat plus a four-metre extension. You would meet the regulations for DFO because the maximum length is 22 metres, but you add on this extension, which is not covered by DFO. Therefore, you're able to fish with that boat even though it's larger and may not have the appropriate stability assessment done, or it may be a risk factor because you put more traps on to it and so forth.

The Chair: Thank you.

Mr. Doherty, we'll turn to the Conservatives for seven minutes, please.

Mr. Todd Doherty (Cariboo—Prince George, CPC): Thank you to our guests today.

This may seem an odd question to start off with. Ms. Weldon, how long have you been with Transport Canada?

Ms. Jane Weldon: Nine years, I believe.

Mr. Todd Doherty: Mr. Laporte?

Mr. Jean Laporte: I've been with the TSB since its inception in 1990.

Mr. Todd Doherty: Mr. Poisson?

Mr. Marc-André Poisson: I've been the Director of Investigations for seven years.

Mr. Todd Doherty: Mr. Tremblay?

Mr. Luc Tremblay (Executive Director, Domestic Vessel Regulatory Oversight and Boating Safety, Department of Transport): Eleven years.

Mr. Todd Doherty: This may seem odd. The reason I ask that is that I'm absolutely flabbergasted at your testimony today. I'm looking at Transport Canada's mandate online. I'll spare you the preamble. I know most of you know this, and you probably know it very well, but Transport Canada's safety and security activities include the following: aircraft services, civil aviation, marine safety, and marine security.

Your testimony today is pointing fingers at DFO. Many of the folks here know that I have a transportation background. Here's full disclosure. I was once a Transport Canada employee in airports and aviation. I know that we have standards. I know that Transport Canada is our overarching regulation authority.

How is it that—forgive me, I didn't do the math—the four executives who are before us today...and that we have not a standardized marine vessel length that...? The one paragraph that was mentioned, that there are four or five different vessel lengths that are out there, that DFO has its own method of measuring.... How is it that we do not have a standardized vessel length or...?As you can tell, I'm flabbergasted here, and I'm having a hard time getting the words out.

How is it that Transport Canada is having to defer to DFO on this?

Ms. Weldon.

•(0910)

Ms. Jane Weldon: I wouldn't say that. We don't defer to DFO. For any regulation at Transport Canada, we use one method for measuring length. We're consistent—

Mr. Todd Doherty: Why isn't Transport Canada mandating that this is a standardized vessel length requirement, that this is how we're going to do it, so that there is no ambiguity, and DFO has to follow it?

Ms. Jane Weldon: It's not Transport Canada's role to regulate another federal department, so you can address DFO about—

Mr. Todd Doherty: Pardon me, but in Transport Canada's own mandate, the Government of Canada recognizes that now more than ever we need a safe and secure transportation system for a healthy and competitive economy and efficient and safe secure transporta-

tion systems. I would say that marine vessels would be a transportation system or part of our transportation system. Correct?

Ms. Jane Weldon: I wouldn't say that.

Mr. Todd Doherty: It's for transportation in coastal communities. Is that correct?

Ms. Jane Weldon: That is correct.

Mr. Todd Doherty: Thank you.

Transport Canada's safety and security activities include the following: aircraft services, civil aviation, and marine safety. What has just been brought forth is clear mismanagement. You are an executive in Transport Canada and if DFO were here, I'd be saying the exact same thing to them. It is unbelievable that lives are being lost and that we have bureaucrats who can't get their act together. There's a standardized vessel length.

Is there an international standard for vessel length to which Canada could adhere?

Mr. Luc Tremblay: There is. You're right that there is a standard and that's what Transport Canada is using.

Mr. Todd Doherty: Why isn't DFO following that?

Mr. Luc Tremblay: With the new fishing vessel regulation that came into force in 2012, we have two lengths. The below-24-metre length standard is the standard coming from the international standard organization. For the above-24-metre length standard, we use the length from the international tonnage convention because the application is there.

Mr. Todd Doherty: That's okay.

Mr. Luc Tremblay: DFO regulates differently, and as Ms. Weldon said, we do not regulate DFO. If you'll allow me, there's a big difference though, in the way we regulate with length. Transport Canada does not prohibit length. Transport Canada regulations are based on a scale and, as the vessel size increases, the requirements are risk-based and they increase. We don't prohibit any length, which is a bit different than—

Mr. Todd Doherty: I agree and depending on the use of the vessel and what have you, there are different regulations. I agree 100%. However, has there been an attempt by Transport Canada and you to work with DFO to find a standardized vessel regulation?

Mr. Luc Tremblay: We have a memorandum of understanding with DFO, such that we meet and discuss these issues, and we have discussed that issue. Obviously, there is no uniformity at this point.

•(0915)

Mr. Todd Doherty: Mr. Laporte, you said that in your opinion, fisheries resource management is one key area where little progress has been made. Your testimony is absolutely gobsmacking. It speaks to what we've heard time and time again with DFO, that from top-down management, it is a department that.... We've seen testimony that is very concerning for us in other files.

Can you tell me how closely you work with DFO on these issues? Here we are. We're studying this and you've very articulately laid out your concerns. Have you tabled these with the minister and the deputy minister?

Mr. Jean Laporte: We are an independent, arm's-length agency, so we don't work too closely with any of the regulators.

Mr. Todd Doherty: Have you tabled this with the minister and the deputy minister?

Mr. Jean Laporte: In our investigation reports, we have identified specific findings in each case, in each accident, and those were sent to the ministers.

Mr. Todd Doherty: Mr. Chair, I would ask that perhaps Ms. Weldon can table those reports with the committee at the earliest convenience. Thank you.

The Chair: Yes, indeed.

Are you able to provide the information that Mr. Doherty requests? Thank you. It's at your earliest convenience and preferably in both languages, if possible.

Just very quickly, as a point of clarification, you said your relationship to DFO is a memorandum of understanding. Is that right?

Ms. Jane Weldon: Among the many ways that we relate to them, we have something in writing with respect to that relationship. We have multiple meetings in each of the regions. We meet regularly. We are in standing committees together. There are a million ways we interact with them.

The Chair: I just wanted to know the title of your relationship with them, in that particular respect.

Ms. Jane Weldon: It's a memorandum of understanding, among other things.

The Chair: Thank you very much.

Mr. Donnelly, you have seven minutes, please.

Mr. Fin Donnelly (Port Moody—Coquitlam, NDP): Thank you, Mr. Chair.

Welcome to our department officials for being with us and providing your testimony on this study.

Monsieur Laporte, if I could start with you, you mentioned in your testimony that there were 43 deaths because of fishing-related accidents—8.3 lives lost each year. Could you talk about some of these accidents and give the committee more examples or enlighten us as to what those look like?

Mr. Marc-André Poisson: We found the stern extension, and we've got several examples where the fishermen modified their vessels to operate within DFO management measures. In the *Five Star* accident, the TSB investigation found that the vessel's original construction met licence length restrictions. However, the stern extension is not required to be included.

The *Pacific Siren* investigation revealed that the length of vessel's bow and hull met licence length restrictions; however, a stern extension was not necessarily to accommodate the 300 prawn traps allocated to the licence. Yet, DFO does not require an assessment of a vessel for its intended purpose for its prior designated licence, as we've mentioned.

We have a third one. These are only the recent ones that we've investigated. In the case of the *Jesse G*, the TSB investigation revealed that the length of the vessel's bow and hull, which did not include the stern extension, met licence length restrictions. Again, however, DFO did not require an assessment of the vessel's

adequacy for prawn fishing prior to granting a stacked licence in this case. There are two licences.

Mr. Fin Donnelly: Okay. Those are some examples, then. Thank you.

You also mentioned that fisheries resource management is one of the key areas where little progress is made. Could you expand a little bit more on this? Why hasn't it been made? What are the barriers? How can it be improved?

Mr. Jean Laporte: I think the main concern we have is that there doesn't appear to be, based on the information we have, adequate consideration of safety in issuing licences. That's the main thing, and that's where it needs to start. They're looking at the commercial viability of the industry, they're looking at the fish stock and the renewal of the fish stock, and they're looking at things like the fish plants that want a stable supply of fish throughout the season as opposed to a huge quantity and then up and down in terms of quantity. That seems to be the driver for a lot of their policies. That's where we see differences across the regions or within the regions from one province to another. They're looking at those economic drivers more than the safety aspect. For a number of years, we've been calling for DFO to work more closely with Transport Canada to try to harmonize things and to ensure that the safety aspects are adequately considered.

Ms. Weldon talked about the MOU. The MOU was signed many years ago, and it was not fully implemented until very recently when they've reactivated this file at our urging and the urging of other stakeholders.

● (0920)

Mr. Fin Donnelly: Is there a document in terms of this MOU that you can provide the committee that highlights your concerns and how, for instance, TC and DFO could improve their relationship in terms of improving safety. You referenced that it sounds as if it's working well on the west coast, but that on the east coast a lot can be improved.

Is there a document we could look at where you have recommendations?

Mr. Jean Laporte: Our chair, Marc-André, and I have met with the Department of Fisheries and Oceans last year, and we provided a briefing. We have those briefings notes that we could—

Mr. Fin Donnelly: Could you supply this committee with that?

Mr. Jean Laporte: Yes.

Mr. Fin Donnelly: Okay, that would be helpful.

I have a couple of minutes left.

Ms. Weldon, I'll turn to you. If stern extensions compromise vessels' stability, why are they permitted?

Ms. Jane Weldon: Quite recently, with the fishing vessel safety regs, we have been quite clear that, if a vessel has a stability assessment—vessels are now required to get stability assessments under certain considerations—and then that vessel has been modified, they have to keep a record of the modification and they have to do another stability assessment. The new fishing vessel safety regs—and they have only been in place since July 13, 2017—were a change Transport Canada made partly in recognition of that very problem. Any vessel that has a hull length more than nine metres that's had a major modification—including extensions, cutting things off, and adding anything, or undergone a change in activity since July 13, 2017, that could adversely affect its stability—is required to undergo another stability assessment by a competent person; there's a licensed group of people who do this.

Mr. Fin Donnelly: Here's a last quick question, because I'm probably out of time. How do the fishermen or fishers know about these changes? You said they were recent changes.

Ms. Jane Weldon: That's correct. First we consult broadly, then we work with the various associations. There are what's called Canadian marine advisory councils that happen twice a year in each region and twice a year nationally. We have issued various documents, and we tweet. You name it, we use that social media, so there are a million different ways. As well, when they're in the ports, our staff discuss that with people. We try to use multiple ways to get at it.

Mr. Fin Donnelly: Thank you.

The Chair: Now we go to Ms. Jordan for seven minutes, please.

Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.): Thank you to our witnesses for appearing today.

I have a number of questions. I'm going to start with Mr. Laporte.

You mentioned 43 deaths. Was that in five years?

Mr. Jean Laporte: Yes.

Mrs. Bernadette Jordan: Is that up or down from the previous five years?

Mr. Marc-André Poisson: It's down from the previous year.

Mr. Jean Laporte: It is down a bit. The average used to be a little above 10, and it's dropped.

Mrs. Bernadette Jordan: I'm assuming, and I shouldn't, but you do check vessels after an incident.

Mr. Jean Laporte: Yes.

Mrs. Bernadette Jordan: In any of those cases, have you found that they've been modified without Transport Canada having assessed them since they've been modified?

Mr. Marc-André Poisson: That's correct. We have in many cases.

Mrs. Bernadette Jordan: I'm also really interested in the fact that Canada as a country has a federal Department of Fisheries and Oceans and a federal Transport Canada, and yet it's different on the west coast and the east coast. Why?

Ms. Jane Weldon: I'll just highlight that from the perspective of Transport Canada. It's not different between any coast or within the middle of the country. There are differences in DFO, and I suggest the committee ask DFO why they have structured themselves that way.

Mrs. Bernadette Jordan: Ms. Weldon, you said in your opening statement that you have a good working relationship with the Department of Fisheries and Oceans and the Canadian Coast Guard. Yet, when we hear the testimony from Mr. Laporte and Mr. Poisson, it doesn't really seem to be that way in terms of communication, I guess, for lack of a better word. There doesn't seem to be very good communication between the two departments. Can you just talk to that for a second? Do you have any comments to make on that? I'm hearing that there isn't good communication, but you seem to think you have a good relationship.

• (0925)

Ms. Jane Weldon: I talk to DFO three to four times a week about various issues.

What I would say is that, as a safety regulator, we obviously have our points of view, which we share with DFO. They may or may not choose to believe, accept, or act on those. Every department is faced with a lot of pressures in terms of workload. Obviously DFO makes their decisions about what their priorities are. As a safety regulator, I certainly make my decisions purely based on safety. Hence, for example, after the recent change, when it became clear that people were making stability changes and not getting them assessed, we made it mandatory from a safety perspective, although the changes were being made for other reasons. If I think they're having an effect on safety, then I make a regulation.

Mrs. Bernadette Jordan: DFO can approve a modification to a vessel for adding on to the stern and whatever, but then, do you have to approve it before it gets done? I guess my concern is that we're hearing that there are people who have this done because they've got the approval, but then maybe Transport Canada says they don't have the approval, so what's the process? Maybe you could walk me through that.

Ms. Jane Weldon: A decision to make a modification to a vessel is made by an individual fisher and doesn't require approval. However, if you make a modification that's going to have an impact on your stability, you then have to get your vessel looked at again. It would be after the fact. For example, if you made a modification that would negatively impact stability, Transport Canada would identify that it was not acceptable and would work with the fisher to identify what would need to be done to get the stability of the vessel into an acceptable state.

Mrs. Bernadette Jordan: I'm still trying to get my head around process. So any time they want to modify their boat or vessel, do they have to come to you?

Ms. Jane Weldon: Only if it's going to have an impact on stability.

Mrs. Bernadette Jordan: How do they know that, if someone doesn't do an assessment beforehand?

Ms. Jane Weldon: Any reasonable fisher would. If you are adding weight or changing your vessel, it's going to make a stability difference. It's something inherently you would be aware of, whereas something like adding a railing might not be significant.

The staff are around in the ports all the time, and they certainly have conversations on a daily basis with fishers. As well, when they're having major work done, it's normally done at a facility. Part of what those facilities do, obviously, is advise.

Mrs. Bernadette Jordan: You said you have staff at the ports on a regular basis. How many staff do you have who monitor ports in Atlantic Canada?

Ms. Jane Weldon: We're not monitoring ports, we're monitoring vessels. In terms of inspectors, I have at the current moment 367.

Mrs. Bernadette Jordan: That is for all of Atlantic Canada?

Ms. Jane Weldon: No, that's for the country.

Mrs. Bernadette Jordan: Okay. How often do they get to each port? I'm just asking because I know I have in my riding about 75 to 80 ports, and that's just the small craft harbour ports.

How often would an employee of Transport Canada actually get to meet with fishers?

Ms. Jane Weldon: It's difficult to say. It would depend very much on the size of the port. I should highlight that Transport Canada's major role is with larger vessels. Many of the small ports are using speedboats and things, which are not something we have a responsibility to regulate.

Mrs. Bernadette Jordan: Did you just say you don't have a responsibility to regulate smaller vessels?

Ms. Jane Weldon: Certain vessels of certain sizes, yes.

• (0930)

Mrs. Bernadette Jordan: I thought we were talking about smaller vessels for the moment. I guess I need to ask, what's the difference between a large vessel and a small vessel? If you're sitting here and saying right now that it's not Transport Canada's responsibility to monitor smaller vessels, I'd like to know what constitutes a smaller vessel.

Ms. Jane Weldon: I should clarify. We don't go out and regulate and inspect those vessels. We regulate the construction of them. With larger vessels, we go out and check on them; we monitor them.

Luc, I'll let you give some of the precision about vessel length.

Mr. Luc Tremblay: We regulate all vessels, from zero to whatever the size. The inspection and the oversight are different. It's a risk-based inspection. The number of mandatory inspections increases with the size of the vessel. At the lower end, we don't have a mandatory inspection. At a certain size we have a mandatory inspection every four years. Above another certain size it's every year.

In addition to that, we do risk-based inspection.

The Chair: Ms. Jordan, sorry, I'm going to have to stop you there. Your time is up.

Mr. Arnold is next, for five minutes, but I believe Mr. Doherty is going to start. Did you want to split your time?

Mr. Todd Doherty: I only have two quick questions. Then I will cede it to Mr. Arnold.

Ms. Weldon, you said just previously in response to Ms. Jordan that you are in conversation with and you meet with DFO up to three times a week, or sometimes more, and that you bring your concerns

forward to them. They then pick and choose which ones they are going to follow through with.

I'm asking you today if you can table your conversations—the areas where you have had concerns and they have not been followed through with—with this committee at your earliest convenience. I'm referring to any of the conversations you've had with DFO with respect to vessel length and concerns when it comes to the topic we're talking about today.

Also, Ms. Jordan asked about the reporting on a vessel that has been modified. Do the accredited shops that are doing the modifications have a responsibility to report to Transport Canada when a vessel is being modified?

Ms. Jane Weldon: Just on your first point, I don't believe I have any written records of having put specific statements on paper with respect to vessel length. I don't have that in my recollection.

Mr. Todd Doherty: Could you then table with this committee the conversations you've had with DFO, where you've raised your concerns and DFO has not adhered to them?

Ms. Jane Weldon: As I said, I don't think I have any records that would specify dates or natures of conversations.

Mr. Todd Doherty: No emails?

Ms. Jane Weldon: There's nothing in writing that I can recall.

With regard to the construction or the putting in place of changes to vessels, they are not required to report to Transport Canada.

Mr. Todd Doherty: So you're dramatically modifying a vessel, and there is no responsibility for anyone other than—

Ms. Jane Weldon: The vessel owner is responsible.

Mr. Todd Doherty: —the vessel owner, if he or she feels it's going to affect stability.

Ms. Jane Weldon: That's correct. It's their judgment.

Mr. Todd Doherty: Thank you.

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

I'm referring to a document that was provided by the Library of Parliament to the committee in early February related to this study. It says that, according to a Transportation Safety Board of Canada publication entitled "Fishing Safety, Working together", adding stern extensions to the vessel length can create dangerous situations. It refers to marine investigation reports, and then it says, pursuant to section 3.17(2) of fishing vessel safety regulations:

In the case of a fishing vessel that has undergone a stability assessment, a record of a modification or series of modifications that affects the stability of the vessel shall be kept until the vessel undergoes a new stability assessment that takes into account the modification or series of modifications.

How long do those records have to be kept, and how soon does that recertification or reassessment have to take place?

• (0935)

Mr. Luc Tremblay: There is no time limit to keep the record.

As for the modification and the assessment, that's the reason there is a record. Some modifications are not enough by themselves to trigger a reassessment. They're minor. Others may be enough to trigger an assessment, and sometimes the sum of the modifications will trigger it.

Mr. Mel Arnold: When is the reassessment triggered? Is it open-ended?

Mr. Luc Tremblay: It's not based on time. It's based on the impact of the modification.

Mr. Mel Arnold: Give me an example. If someone adds a five-foot extension to the back of the vessel, how soon would that have to be reassessed?

Mr. Luc Tremblay: If someone is doing a five-foot extension, depending on the weight and the location of the extension, it's likely to be a modification that will trigger an assessment.

Mr. Mel Arnold: Who monitors the weight that was added, and so on? Is that just recorded? When is that eventually looked at to trigger an assessment?

Mr. Luc Tremblay: The Canada Shipping Act puts the responsibility for all vessels on the owner. Then when Transport Canada does either the mandatory inspection or the risk-based monitoring, the inspector will verify the report, have the discussion with the fishermen, and verify if the vessel was supposed to have a reassessment or not, and then we take enforcement action if it was supposed—

Mr. Mel Arnold: How long might that take for it to be triggered by Transport Canada?

Mr. Luc Tremblay: As I said before when talking about the inspection, it depends on the size of the vessel.

Some vessels I've seen every year, some every four years. Others are risk-based, so there's no predetermined time.

The Chair: Thank you.

Mr. Hardie, you have five minutes, please.

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

Ms. Weldon, you mentioned that you had 300 or so inspectors. Has that number of inspectors remained relatively constant?

Ms. Jane Weldon: It was 367 as of last week, by chance. It just so happens that I had a discussion about inspector numbers yesterday.

It has gone up significantly. It has been higher than that, though; based on memory it was as high as 384 a couple of years ago, but it was as low as the low 300s, also within the last couple of years. We did a bit of a recruitment blitz, and I'm currently in the process of trying to recruit a further 17 inspectors. We are quite close to making those appointments.

Mr. Ken Hardie: How active are you in the Arctic Ocean?

Ms. Jane Weldon: We're increasingly active in the Arctic Ocean. As part of the oceans protection plan, a government initiative announced a year and a half ago, which is a multi-department \$1.5-million new initiative, we received extra funding to be able to increase our inspection ability in the north, so we have an additional five individuals. I will highlight that they typically commute from

other jurisdictions because there simply isn't enough volume of work up there to keep them busy full time, although perhaps at some future date we'll be able to have a long-term base up there.

Mr. Ken Hardie: I'm trying to replay some of the testimony we've heard. I agree with my colleagues; this is pretty astounding stuff.

What I've heard is that it's possible to get a fishing licence and use a vessel that hasn't been licensed by Transport Canada.

Is that correct?

Ms. Jane Weldon: That is correct, if the vessel is small enough.

Mr. Ken Hardie: Small enough means what?

Ms. Jane Weldon: Short enough.

Mr. Ken Hardie: What's the threshold?

Mr. Luc Tremblay: It would be below 15 gross tonnage, which is an abstract measure, but we could say roughly 12 metres long.

Mr. Ken Hardie: Okay.

Mr. Luc Tremblay: Below that size, they're not inspected.

When we say it's possible, it's not legal. All vessels have to be registered. The smaller ones do not have to be inspected by Transport Canada, but they have to meet the regulations.

Mr. Ken Hardie: I see. This sounds like an ongoing game of cat and mouse, whack-a-mole, whatever, where fishers are trying to accomplish something and stretching the boundaries.

Talk to me about the problems we're trying to solve here. What problems are the fishers trying to solve by doing what they're doing?

● (0940)

Ms. Jane Weldon: That would be speculation on my part, but I assume they're trying to maximize their income and minimize their expenses. That would be the logical construct, but that's speculation, because I haven't talked to a lot of them directly about that particular issue.

Mr. Ken Hardie: Well then maybe we'll get a chance to talk to some of them directly about that.

To the Transportation Safety Board, Mr. Laporte or Mr. Poisson, explain a little more about the dynamics of these stern extensions. What happens when these are attached to a vessel?

Mr. Marc-André Poisson: We're not looking at single-point failure, in the sense that it's not because you put an extension on your vessel and extra prawn cages on board that you are automatically unstable. However, in some circumstances what we're seeing is that potentially they don't know exactly the stability situation that they have, and they're going into a situation not knowing the risks they're taking.

They may be loading part of their catch, picking up cages, stacking them in the back and the extension, and there's the weight on the vessel from the catch, plus the weight from the extension, that has not been appropriately assessed. They're also going into weather situations because they're pressured to fish in certain circumstances.

It's not just the length extension, it's also the risk they're taking. If the period for catching is short, then they'll take that risk of sometimes increasing the weight on their vessels and going out in foul weather, because either the fishery day will close, or it's a limited catch and so forth.

It's not single-point failure that we're seeing because of an extension. We're seeing multiple issues, and length extension is one.

The Chair: Thank you very much, Mr. Poisson.

I understand for the final question that you're splitting your time.
[Translation]

Mr. Godin, you have two and a half minutes. Go ahead.

Mr. Joël Godin: Thank you, Mr. Chair.

I agree with my colleague. I'm quite surprised by what I'm hearing this morning. I can't wrap my head around the fact that people are being allowed to modify their vessels without any oversight. You can't modify a car. There are rules. It's a matter of safety.

Mr. Laporte, during your presentation, you talked about the granting of fishing licences and a case where modifications to a vessel had led to safety risks. I'm not an expert, but you deal with this every day.

Could you suggest some measures that could be taken to ensure the safety of our fishers?

Mr. Jean Laporte: As I mentioned, coordination is the first thing that needs to happen. Before granting a licence, DFO should check with Transport Canada to see whether the vessel is registered and whether its stability was assessed. The department should ask fishers applying for a fishing licence some questions.

Safety doesn't seem to be a consideration at all. The decision is made based on fish type, quantity, and date, and then a licence is issued. Safety is missing from the equation when the decision to grant a licence is being made. In the example I gave earlier, the vessel wasn't long enough to accommodate 300 traps, but since the owner had been granted a licence for 300 traps, he had modified his vessel accordingly. No safety inspections are done. Coordination is completely lacking.

[English]

Mr. Joël Godin: Thank you.

[Translation]

The Chair: Thank you.

[English]

Now, we have just a shade over two and a half minutes.

Gentlemen, I'm going to have to ask you to be quick, because this is closing.

Mr. Doherty.

Mr. Todd Doherty: Ms. Weldon, our honourable colleague Mr. Hardy asked you a question about why a fisherman would enter into a vessel extension. You are the director general of this department. Is that correct?

Ms. Jane Weldon: It's of marine safety.

Mr. Todd Doherty: Correct. Your answer back to him was almost a guess. You really didn't know why they would do it. You were assuming that this is.... I understand that you have people who may understand this better, but your comment back that you have not really talked to any fishermen as to why they've done this is more of a comment than anything else. I find it very disturbing that as a Director General of a department you do not know why a fisherman would lengthen their vessel.

I'm going to leave it at that. There is no response needed. I'm going to turn it over to Mr. Arnold.

● (0945)

Mr. Mel Arnold: Thank you and I'll be very brief here. If we can't get a complete answer today, I would like you to provide it in writing to the committee if possible.

Can you please describe a typical consultation process between the Department of Transport, fishing boat operators, DFO, and the Canadian Coast Guard with regards to vessel size, vessel modification, vessel and operator safety, and fishing regulation?

Ms. Jane Weldon: Can you speak to some of that, Luc?

Mr. Mel Arnold: I'm sure you probably can't provide all of that right now, but I would like to see a full description of how that consultation process takes place so we know who is involved.

Mr. Luc Tremblay: As you say, we won't be able to provide a complete answer now. Transport has the main forum, which we call the Canadian advisory council, which meets twice a year in Ottawa and in each of the regions. In addition to that, there are a number of other bodies, but I think we will have to maybe provide something as a follow-up in writing if you want more detail. DFO has its own meeting, and there are regional meetings.

Mr. Mel Arnold: Could we get that as soon as possible so it can be considered in our study? Thank you.

The Chair: Thank you very much to everyone.

Mr. Tremblay, you'll be providing that as was requested by Mr. Arnold. I appreciate that.

Ms. Weldon, Monsieur Laporte, Monsieur Poisson, thank you very much.

Colleagues, when I say two minutes until the next round, I literally mean two minutes or less. We have to get moving here.

Let's suspend for two minutes.

●

_____ (Pause) _____

●

The Chair: Welcome back, everybody.

Now we're getting into round two, very quickly.

We're going to talk to our guests on the east coast, from the industry itself.

First of all, I'm going to introduce Mr. Mervin Wiseman.

I have all kinds of titles for you, Merv. I just don't know which one to use today. They're using "member", simply that. I'm sure you'll explain yourself quite clearly when the time comes.

We also have the President of the Federation of Independent Sea Harvesters of Newfoundland and Labrador, also known as FISH-NL, Mr. Ryan Cleary, no stranger to this committee, a former member of this committee. In the 41st Parliament, where did you sit?

• (0950)

Mr. Ryan Cleary (President, Federation of Independent Sea Harvesters of Newfoundland and Labrador): It was right next to Mr. Donnelly.

The Chair: Very good.

We also have with us fish harvester Mr. Jason Sullivan. I know he was here earlier.

Another fish harvester we have is John Will Brazil. I just want to point out to everybody that where we come from Brazil is pronounced "BRAZ-il".

Mr. John Will Brazil (Fish Harvester, As an Individual): I've been called worse.

The Chair: You've been called worse, all right. Today, hopefully not.

Mr. Cleary, I'm looking for direction from you. How do you want to do this? How many people will be presenting?

Mr. Ryan Cleary: Four of us will. Merv and I will share our time.

The Chair: You'll share the 10 minutes.

Mr. Ryan Cleary: Jason and John will each have 10 minutes.

The Chair: They'll have 10 minutes each.

Gentlemen, we're going to extend by just three or four minutes.

Can I have the permission of the committee to do that?

We don't have a lot of time and you've come from a long way away, so go for it.

Mr. Sullivan, go ahead for up to 10 minutes, please.

Mr. Jason Sullivan (Fish Harvester, As an Individual): Good morning, Mr. Chair and members of the committee. Thank you for the opportunity to come here today to tell my story. I might need an extra 20 seconds.

With the time constraints, I will try to keep it short and sweet because to explain some of the grave injustices brought down on the Newfoundland and Labrador fishery by DFO would take hours on end.

When I first saw the topics the committee has begun to study on the agenda for this meeting, I felt something that I hadn't felt in a long time: hope. These topics, if made into policy, would bring the Newfoundland fishery in line with the rest of Atlantic Canada and put us all on a level playing field in terms of general policy. So, I

give a heartfelt thanks to Mr. McDonald and members of the committee for bringing these issues to the forefront.

My story begins in the fall of 2016 when I commissioned a new boat to be built in Nova Scotia, a 39-footer with a 7-foot extension. I had heard rumours that DFO in Newfoundland was becoming increasingly difficult with regard to approving extensions, so I made a visit to White Hills to find out exactly what was being approved. The licensing department was very co-operative and informed me that as long as it was removable, it would not be included in "length overall"—fair enough. I went ahead with the proposed extension, working closely with the boatyard to ensure that the extension was fully "unboltable". Twenty-five thousand dollars later, voila, I had my extension.

Let's fast-forward to January 18, 2017, when I arrived back in Newfoundland and submitted my vessel registration application to DFO. My extension clearly met the criteria, and also aligned perfectly with the diagrams on the application, for the extension not to be included in "length overall". I also had a letter from the boatyard stating it was fully removable.

After submitting my application, a few weeks passed by, and something didn't feel right because this should have been a quick process, a swipe of a pen, if you will. I reached out to the area chief, and I was told that the definition of "length overall" was under review. I then explained that the definition of "length overall" was very clear on my application and that because I met all the criteria, my application should be approved.

The next few weeks proved to be very frustrating because I was being told that senior management was looking at it. However, never would they produce a name so that I could contact them to inquire about what was really happening. In Newfoundland, senior management are portrayed as a group of individuals who hide in the shadows and make major changes to policy without consultation. Fish harvesters often refer to them as "ghosts".

Finally, in the middle of March, I received a letter from the area chief granting me a one-year temporary vessel registration because the definition of "length overall" was going to be changed and I would have to remove the extension for the 2018 fishing season. I was at a loss for words because I had just spent \$25,000 on an extension that I could only use for one year and then would have to throw in the landfill. However, the fishing season was getting very close, so I pushed forward with the intent to deal with it in the fall when the season was over.

September 2017 came. It's difficult to fully explain in such a short period of time all the different scenarios, for lack of a better word, that DFO has incorporated into our fishery. In the 3L less-than-40-foot fleet, you needed to have a 40-foot vessel registration to participate in the crab fishery inside 25 miles. However, there are nine boats fishing crab in this sector that have a 44 feet 11 inch registration. In trying to solve my problem, I found one of these registrations to buy. I met with DFO to arrange the paperwork, and I was promptly told, "Sorry, the rules were changed last spring." How could this be? How could there have been monumental changes to policy without anyone knowing? I decided to file an ATIP, and this is where the story gets interesting.

My ATIP turned out to be very intensive, so the request took longer than a normal period of time to process. In the meantime, I filed an appeal to DFO with regard to my initial temporary registration around the middle of November.

On December 27, 2017, an envelope was couriered to my house with the material regarding my ATIP—all 477 pages of it. There was no apparent order to it, but after hours of reading and sorting, it told a disgusting story of how senior DFO management colluded with the FFAW behind the licence-holders' backs to change the definition of “length overall”, and then pretended to hold consultations, which garnered no support for the proposed change.

Here is the chain of events of how this fiasco unfolded.

On January 18, 2017, I submitted my vessel registration application.

On February 9, 2017, Kim Penney, of DFO in Newfoundland, began circulating my vessel registration application to other DFO regional offices throughout Atlantic Canada to get feedback in order to help herself and Duke Tobin formulate a new definition of “length overall”. What was most disturbing was reading the emails back and forth between Kim and Duke. They were basically using me as a guinea pig while admitting that my boat met the criteria of the current application at the time. Please see appendix A for the proof.

On February 16, 2017, Kim and Duke met with a representative of the FFAW, where three applications with stern extensions, including mine, were laid on the table. It was then decided amongst those people in Newfoundland that Newfoundland would be getting a new definition of “length overall”.

• (0955)

Three cheers for consultation.

What is most disturbing about this is that the three applicants were not FFAW supporters. Speaking for myself, I had helped to start a rival union six weeks prior to this meeting and DFO still thought it was appropriate to bring the FFAW into the room and decide the fate of my boat. It's sickening, to say the least. Please see appendix B.

In March of 2017 at the crab and groundfish technical briefings, DFO announced to the few harvesters in attendance—because only a slight few were invited—that they were considering changing the definition of “length overall”. There was absolutely no support whatsoever for this proposed change. There were comments like this: “you only have so much fish to catch, so what difference does it make what the size of your boat is?” Also, safety concerns were a common theme—see appendix C. Unfortunately, even though there was no support to make the changes to length overall to remove stern extensions from the equation, DFO pushed on regardless.

In March 2017 I received my one-year temporary exemption. On April 11, 2017, DFO had inquiries from the boat manufacturers that make the 28-foot open boats that are used as a secondary vessel. They had grave concerns about the proposed changes to length overall, because most of these types of boats have an extension bracket to which the motors are mounted and, technically, the new definition would make the boats longer than 28 feet. The policy chiefs had a meeting on that day and decided that these boats were

going to be used in the new groundfish fishery, saying that “this doesn't increase capacity, but maximizes it”.

Now, this is a direct contradiction of the reason for changing the definition in the beginning, because it all started over concerns about capacity. Likely, this exemption was made to accommodate the over 40-foot fleet, because the current groundfish fishery isn't feasible for a larger boat to fish, so a lot of guys use their secondary vessels, which are limited to 28 feet. Please see appendix D.

On May 23, 2017, five months after my application was submitted, the new vessel registration form was released. Please see appendix E. On March 2, 2018, I won my appeal.

To say this process was a fiasco is an understatement. The main reason there is so much discontent in Newfoundland towards DFO is due to instances like this. Major changes are being made without input from harvesters, and the result is putting harvesters in smaller boats that are usually not as seaworthy as larger ones.

The discontent will continue. As part of my ATIP, a document was attached, which was called “Changes to Regional Licensing Policy Required Prior to Public Release”. This outlines monumental changes to our fishery that DFO never bothered to bring to consultation because they were deemed minor changes, and an FFAW executive signed off on it. Please see appendix E.

Vessel length is obsolete in the modern-day fishery. All too often, we read transportation safety reports stating that vessel size was a factor in a tragedy. DFO uses vessel length as a crutch in its harvest control plans, but the reality is that it doesn't work. Vessel length was the primary tool of harvest control in the 1980s, and look what that led to: the largest layoff in Canadian history and a resource that is still in the critical zone. Bravo, DFO, for continuing on the trail to madness.

At the very least, Newfoundland should have the same base length as every other Atlantic province: 44 feet 11 inches. The regional director preached that changing vessel length will give some a competitive advantage. I would like the regional director to explain this: when a 2J3KL groundfish licence is exactly the same no matter what fleet you are in, how does an 89 feet 11 inch not have a competitive advantage over a 39 feet 11 inch?

Instead of spending untold thousands of dollars transforming the White Hills into a modern-day Alcatraz, DFO needs to treat harvesters with the respect they deserve, and then they can spend money where it's most needed: in science. The culture of "fishermen are too stupid to understand what's best for them" has to be abolished. I can speak from experience. The next wave of harvesters are oftentimes university- or college-educated, and they are keen business people. They never got their enterprise for free like some did in the 1980s. They bought a business, and they deserve to know when DFO is about to flip their lives upside down.

In closing, I have been fishing for the last 20 years. I have a fishing master, first class certificate, meaning that I can captain any size of fishing vessel anywhere in the world. I also have a Bachelor of Maritime Studies from Memorial University. But what do I know? I'm just a fisherman.

•(1000)

The Chair: Mr. Sullivan, it's always good to see you, sir.

Mr. Jason Sullivan: Oh yes. It's always good to see you too.

Voices: Oh, oh!

The Chair: You didn't require the extra 20 seconds you asked for. You economize words better than you think.

Mr. Jason Sullivan: Okay. There we go. How long do I have?

The Chair: I will give you another 30 seconds.

Mr. Jason Sullivan: I just wanted to comment quickly on Transport Canada, but they're probably gone. They were here earlier.

To make it easier for everyone to understand, the smaller boats don't fall under the CSI, which means that every four years you have to do an inspection on your boat and have a certain amount of safety equipment and all of that. That's not a fault of the fishermen; that's a fault because we're not allowed to get a big enough boat to fall under those rules. If we could go to 44 feet 11 inches, we're over the 12 metres; 39 feet 4 inches is 11.99 metres, so by allowing people to get bigger boats, more people would fall under these regulations.

It's disturbing to read and hear some of the stuff people are saying, because these are the guys who are governing safety, and disturbing to hear DFO people talking about competitive advantage when that's false. They're leading you down this garden path to make you think that Newfoundland is a free-for-all, that you can go out and catch what you want whenever you want. That's garbage. It's foolishness. It's disturbing that these are the people who are the heads of these groups or associations. It's sad. No wonder we're in the mess we're in.

The Chair: Thank you, Mr. Sullivan. I appreciate that.

Mr. Sullivan referred to appendices A to E in his document. The members of the committee do not have a document because it has to be in both languages, but rest assured, Mr. Sullivan, that it's being

translated as we speak. Your document, with the appendices, will be distributed to the committee before we get into recommendations.

Mr. Brazil, you have up to 10 minutes please.

Mr. John Will Brazil: This isn't usually my scene, public speaking and such, but I'll give it my best.

Good morning, and thanks for the opportunity to state the concerns of myself and others about what has been happening for years.

Policy-makers are failing to see the real problems that harvesters have tried to deal with. Hopefully, someone will grasp that the changes that are being made to safety, such as PFDs and safety drills, are a help and a good idea but will not change the tragic statistics much.

Policy-makers need to focus more on real problems, the major one being vessel length restrictions in Newfoundland, where we have a fishery that is not competitive. This is one of the main regulations that is playing a major role in tragedies in this province alone.

As my story goes, I come from a fishing family and have been around the fishing industry all my life. From a very young age, I was on my father's boat, and I started to try to make a living from the fishery about 20 years ago. My wife and I came to the decision in 2014 to take the plunge and purchase the family enterprise belonging to my father, as this was the main source of income for my family.

Since 2008, the crab licence has been fished on my father-in-law's boat through a buddy-up agreement from DFO. I was left with very few options from DFO, only being allowed to buddy up for the crab fishery. On May 20, my wife and I decided to take the plunge again, cash in our savings, risk it all, and purchase a vessel so that I could fish other species and try to help pay for the expenses of the enterprise.

The boat that I purchased, formerly named *Sam's Bride*, was built in 1996, at 39 feet 8 inches length. Some time between 1996 and 2016, the boat was lengthened on the stern, making the length 43 feet, 8 inches, which was too long for my registration.

Before I purchased the vessel, I contacted the DFO office by phone and talked to Dave Parsons on a couple of occasions. He informed me that the vessel length would need to be remeasured. Knowing that the vessel was too long for my registration before purchasing, I went to the DFO office in St. John's, where I spoke to Dave Parsons in person about the foolish regulation and getting to use the vessel as is, or if need be, my plans for cutting the vessel and leaving the deck as a stern extension as per the figures on the form that Dave gave me for vessel registration.

I purchased the vessel on May 24, 2016. On August 15, 2016, after the crab season, I got the boat lifted and started cutting it back to its original length. I left the deck as a stern extension, which is seen all over Canada on other vessels. On August 18, 2016, the modifications were complete, and a marine surveyor came and measured the boat and filled out the form provided by DFO.

On August 22, 2016, I hand-delivered the form to the DFO office in St. John's, to Dave Parsons. It was turned down on the spot because he said the stern extension was not temporary in nature. I appealed the decision the same day and was later given a date in February 2017, which was later postponed again until April 2017, the start of the fishing season. Then it disappeared in the mess of things.

In between the mix of August 2016 and January 2017, after frequent visits, phone calls, and emails to DFO about the situation, and getting no further ahead, I turned to the FFAW, my union, for help. This also turned out to be a total waste of time.

After getting the feeling of getting nowhere, I contacted my MP, Ken McDonald's office and was in contact with Ken Carter at the time. Christopher Snow now holds this position. I also contacted the Hon. Minister LeBlanc's office.

In January 2017, I decided to cut the stern extension off, make a removable one, and bolt it on, based on what I was informed to do by emails, phone calls, and meetings with multiple employees of DFO. I cut off the stern extension, had an aluminum one made, and bolted it on in January with play-by-play pictures, phone calls, and emails to DFO's David Small in Grand Falls, Windsor.

David Small had replaced Kevin Hurley in his job position. Kevin and I had been in contact about the issue since DFO in St. John's decided to transfer it to Grand Falls. When it was completed in January, I was informed by David Small to hold off on getting the vessel measured again.

In March 2017, they gave me a temporary registration that allowed me to fish the vessel until December 31, 2017. Almost two years since May of 2016, and after one year of being held back from fishing species, DFO finally contacted me on March 16, 2018 and informed me that the vessel had been registered.

• (1005)

DFO guided me down the road, telling me to follow a certain registration form, and now the "length overall" definition has been changed by a few DFO employees through emails, which changes the form completely.

I will also note that the "length overall" definition did not seem to be officially passed by any board for approval and was not finalized

by February. The emails with the DFO clearly show that it was backdated.

This entire process caused great financial and mental stress on both me and my family. DFO imposed on me a policy that was not in place at the time the modifications were completed on my vessel. On one hand, DFO are promoting safety, and on the other hand, they are playing with people's lives.

At the end of the day, the only advantage of a bigger vessel in a fishery like ours, which has set quotas, trip limits, etc. and is not competitive, is safety for all crew members who are trying to survive and provide for their families. The size of the vessel has nothing to do with the amount of species a certain licence is allowed to catch.

In between May of 2016 until current day, there have been multiple phone calls, emails, and in-person visits that have taken place with DFO, FFAW, members of Parliament, and the fisheries minister's office about my situation. This meeting time slot does not allow me enough time to get to you two years of contact information, but if need be, I can inform you of more information.

Thanks for giving me the opportunity to speak on this issue before you. Hopefully, we can all work together and make good use of this little bit of industry that is left and turn it back to a viable, sustainable, and safe one. We should not forget that this industry is what Newfoundland and Labrador were built on, and it plays a big part in the world.

Thank you.

The Chair: Mr. Brazil, you started off by saying that this is not your thing. I think you may have proven otherwise. Nice job.

Mr. John Will Brazil: Thank you.

• (1010)

The Chair: Mr. Cleary, welcome back.

Mr. Ryan Cleary: Thank you, Mr. Chair and members of the committee.

My name is Ryan Cleary, president of the Federation of Independent Sea Harvesters of Newfoundland and Labrador, or FISH-NL, as we're known back home. I'm here with Merv Wiseman. He is one of the founders of FISH-NL. As mentioned, I'll be sharing some of my time with Mr. Wiseman.

I'll tell you a little bit about us. FISH-NL is a recognized union representing an estimated 3,000 inshore harvesters. We're not the official bargaining agent. FISH-NL is currently locked in a certification battle with FFAW-Unifor, the bargaining agent, to represent inshore harvesters. We've had an application for certification before the province's labour relations board for almost 15 months now. After almost 15 months, they're still trying to figure out how many actual fishermen and fisherwomen there are. But that's a story for another day.

Mr. Chair, having read the transcript of this committee's first meeting on vessel length policy, which made for some compelling reading, I saw that one of the more dominant themes was DFO consultation, or lack thereof. Mr. McDonald, the honourable member for Avalon, brought up consultation a number of times—I thank you for that, Mr. McDonald—and it's one of FISH-NL's and my central points today.

The first thing I want to make clear is that DFO in the Newfoundland and Labrador region has completely lost touch with inshore harvesters. I think the gentlemen here have made that clear. DFO does not have its finger on their pulse, and it has not had its finger on their pulse for decades. DFO acknowledged that point this past fall and winter, when it held a series of 20 face-to-face meetings with harvesters on every coast in Newfoundland and Labrador, the first such meetings in a generation. Fishermen in their sixties and seventies said they couldn't remember DFO ever holding such meetings. Instead, DFO has relied on the FFAW, the union, to speak for harvesters; only, most harvesters say the union is no longer their voice and hasn't been their voice for years. They say the union has lost its way. It's clear that DFO held the 20 meetings around Newfoundland and Labrador to reconnect with harvesters. FISH-NL recommends that such meetings be held on a continuous basis.

I also noted in the transcript from this committee's last meeting that one of the witnesses, Verna Docherty with DFO's maritime region, said that in the winter of 2017, her region undertook a licensing policy review whereby they sent an open invite to every single core licence-holder to attend open sessions on licensing policy. Such direct meetings between DFO and core licence-holders in Newfoundland and Labrador have never, ever taken place. FISH-NL recommends that in future they do take place.

Mr. Chair, inshore harvesters can no longer tell who is the manager—DFO or the FFAW. Who makes the rules? DFO must recreate and continuously strengthen a direct connection with inshore harvesters.

In terms of the policy on vessel length—more specifically, raising the length from 39 feet 11 inches to 44 feet 11 inches—the majority of the Newfoundland and Labrador harvesters I have connected with have no issue with such a policy change. In fact, they're for the policy change. They say that vessel length should be standardized across the east coast. They say that safety should be the primary consideration. Most are in favour of it.

At the same time, some harvesters in the over 45-foot fleet are against increasing existing vessel size, saying that bigger boats will create bigger appetites, and bigger will eventually want more. While the size of a boat doesn't factor into IQ fisheries, or “individual quota” fisheries, some harvesters say that allowing bigger boats will give them an advantage in competitive fisheries like mackerel—from what I can understand, there is only one competitive fishery, and that's mackerel—or fisheries that may be competitive in the future.

This all comes back to my point about consultation. FISH-NL recommends that when it comes to proposals for major policy change, DFO should consult directly, and as transparently and openly as possible, with inshore harvesters. FISH-NL would advise going so far as to create a ballot system so that harvesters themselves could vote on major policy changes.

When it comes to the variance in time frame for operator transfers, in Newfoundland and Labrador it's a year compared with one month in Nova Scotia and one day on the Conne River Indian reserve in southern Newfoundland. The transfers put Newfoundland and Labrador inshore harvesters at an economic disadvantage, and should be standardized across the regions.

Thank you, Mr. Chair.

I'll pass it on to Mr. Wiseman.

Mr. Mervin Wiseman (Member, Federation of Independent Sea Harvesters of Newfoundland and Labrador): Thank you, Mr. Chair and members of the standing committee.

My name is Merv Wiseman, and I have had a 35-year career with the Canadian Coast Guard. I'm retired now, of course. My first 16 years were served as a vessel traffic services officer in various locations in Newfoundland and Labrador and the Arctic. My final 19 years were served as a maritime search and rescue coordinator at the Maritime Rescue Sub-Centre in St. John's. During this period I co-authored a fishing vessel safety report for the Canadian Coast Guard search and rescue branch and subsequently assisted in the implementation of a safety program for fish harvesters in Newfoundland and Labrador. I later served on an assignment with Transport Canada to implement a similar program for fish harvesters in other parts of Canada.

I have a background study in nautical science and am a certified ship's officer in domestic and foreign waters. I have had some fishing vessel experience, and I have skippered a 50-foot longliner in the groundfishery for one season in the early 1970s.

It is my pleasure to present a brief in collaboration with FISH-NL on the important issue of vessel length and licensing policy in Atlantic Canada. The focus of my brief is to bring attention to the impact of vessel length restrictions on fishing vessel safety, which continues to have disturbing consequences, perhaps unintended, for those affected by it.

Fish harvesting is known to be the most dangerous commercial activity in Canada and globally. Transport Canada safety board marine, which is the agency responsible for investigations and recommendations into vessel accidents and fatalities in Canada, has elevated fishing vessel safety to its watch list, making it one of the two significant vessel safety issues in Canada that need continued attention for safety improvements. Despite numerous recommendations to Transport Canada to exercise its statutory mandate to provide solutions, an unacceptable level of accidents and fatalities continue to prevail.

During my time as a search and rescue coordinator at the Maritime Rescue Sub-Centre in St. John's, I was designated lead on the fishing vessel safety file for the Newfoundland region. After responding to a disturbing number of SAR incidents related to commercial fishing activity in the Newfoundland and Labrador region in the 1990s, the Canadian Coast Guard Maritime Rescue Sub-Centre undertook a review to try to understand the various safety dynamics related to these incidents. I co-authored a report entitled, "Fishing Vessel Safety Review (less than 65 feet)". Unfortunately, the findings of the study and its report are as applicable today as they were almost 20 years ago.

The study found that 70% of all SAR incidents in the Newfoundland region occurred in the fishing industry. Moreover, the highest incident rate occurred in the small vessel category of the less than 34 feet 11 inches. The report also cited an Irish study undertaken in 1996, which established "the smaller the vessel involved in accidents, the more likely the accident resulted in fatalities". Considering that almost 90% of this small vessel fleet type in Canada operates in waters adjacent to the Newfoundland and Labrador region, this continues to represent a deeply concerning problem. While the report identified a wide array of causes for these incidents and fatalities, one of the most dominant features was related to vessel modifications and the effect on stability.

The attempt by fish harvesters to adjust to new realities in the fishery after the 1992 cod moratorium by moving to alternative species, which in many cases were farther offshore, was a driving force behind the modifications. Furthermore, the DFO fish management restrictions leading to the inability of harvesters to fish in a vessel length category more conducive to the new operating environment forced harvesters into modifications that simply did not fit the vessel beneath them.

These conditions and restrictions still prevail. With an emerging cod fishery on the radar, one has to be concerned about a similar spike in incidents related to yet another adjustment in the operating environment for fish harvesters and the vessels they operate. Another layer of complexity may be arising with the new Transport Canada regulations requiring mandatory stability testing for all small fishing vessels. Aside from significant costs for testing, additional boat construction remediation required to offset the stability effects of vessel modifications due to the current length restrictions could create insurmountable financial barriers for affected harvesters.

In a recent hearing session of the current standing committee, Ms. Jacqueline Perry, acting regional director general for the Atlantic region of DFO, gave rationalization for the DFO vessel length restriction policy. The prevailing rationale appears to be rooted in achieving conservation objectives by controlling fishing capacity through vessel length restrictions. As members of this standing committee have questioned, the fact that capacity is controlled almost exclusively by IQs and other disciplinary management measures makes the policy seem uselessly redundant.

•(1015)

Aside from the unintended consequence for fish harvesters, the policy is made to look even more vacuous by the fact there is no standard correlation between vessel length and carrying capacity. For example, it is not uncommon for a 34 feet 11 inch fishing vessel to

be designed to carry much more than the next category of vessel length, 44 feet 11 inches, and so on through the categories of vessel length.

While it would not be accurate to pin all the fishing vessel safety issues on fish management policies, there is no denying the underlying safety problems associated with vessel length restrictions. There are significant negative effects on stability related to the vessel modifications.

Fish management policy, which forces harvesters to undertake dangerous modification contortions in order to fit its designated length category, is effectively rolling the dice against the lives of the harvesters who have to fish in some of the most dangerous waters in the world. In recent years, stakeholders in the fishing industry, including fish harvesters, have made important adjustments against the backdrop of fishing vessel safety incidents and fatalities. This includes training, prevention, safety awareness, carriage of safety equipment, and significant regulatory revisions designed to ensure compliance with safety-at-sea operatives.

In recognition of the influence of fish management measures on fishing vessel safety, DFO has made some changes in its policy protocols. Unfortunately, the vessel length and licensing policy, which were designed to meet the needs of a 1970s fishery, have not fundamentally adapted to the realities of the current operating environment. However, there is a sense of optimism from grassroots fish harvesters that long overdue changes are about to occur.

It is with great hope and encouragement that the work of the current standing committee on vessel length and licensing will be the instrument needed to move the change over the top.

I sincerely wish you well.

•(1020)

The Chair: Thank you, Mr. Wiseman, and thank you for bringing your experience to the table here today.

Folks, I'm going to extend this meeting up to five minutes, but there is a meeting after this. I can't go beyond that, as much as I dearly want to.

Mr. McDonald, please begin for seven minutes.

Mr. Ken McDonald: Thank you to our witnesses for being here today.

I know some of the people here. I submitted their names, and I did that for a reason, because I knew they were passionate about what was going on, whether it is the vessel length or regulations overall, at the local DFO in St. John's, Newfoundland.

Jason, you mentioned that you've been in the fishery for 20 years, and I would suggest you've probably been in it longer than that because you grew up in it. Your late father was involved in it for many years before that, so I guess you've been involved in it to some degree from day one.

You mentioned fishery change, and to some degree, I suppose, it's become more like a business now than it was many years ago. What do you have invested in the fishery as a harvester, as a boat owner? What dollar value would you put on what you have invested in it?

Mr. Jason Sullivan: My brother and I fish together. He owns licences. I own licences to work. When I say we fish together, we're not allowed to fish together, because DFO won't let us, so we have two different boats.

I'd say we have spent about \$1.5 million, so sometimes what's happening is people.... I started fishing in the 1980s when you'd just spend \$30 to get your licence, and you went from there. Unfortunately, these are the guys oftentimes who are sitting with the FFAW, with DFO making policies or asking for things to stay the same, and that doesn't reflect the modern-day fishery when I had to spend that much money to get involved. In order for me to make that pay.... I didn't get a licence for \$30. It doesn't make sense.

Unfortunately, DFO doesn't consult with everyone. I was at a crab meeting a couple of weeks ago. My immediate family and I own about 20% of the crab in our area, and I was nominated numerous times—and John Will can tell you—to go on the committee at different times, and the FFAW wouldn't accept my nomination, because I didn't believe in their values. They even tried to schedule a meeting for the election on the day of my father's funeral just so I wouldn't be there.

Fast-forward to now, I went as being part of FISH-NL. I was invited to observe the crab technical briefing. After that was over, they had a negotiation about what sort of cuts and stuff you're going to get for that season, and when I went in, there were 40 or 50 empty chairs in the room. It wasn't like we were at capacity. The FFAW representative asked that I be removed from the room, and DFO, fortunately for me, had their wires crossed and said I was allowed to stay, that I was invited. At that time, the FFAW guy got up and left the room and called someone, one of his higher-ups, who called someone higher up at DFO in White Hills, and by the time they got it all straightened out, the meeting was over, but DFO came up and told me I wasn't supposed to be there and that I couldn't come back anymore, like next year or whatever.

I said it was pretty disturbing. We are pretty involved in the area, and I like to think I know a lot about the fishery. I'm not trying to brag or anything, but I just think I do. It is unfortunate that they don't consult with everyone. They have a small little clique of people, and John Will can vouch that they're the ones who get the say. Consultation, I guess, is one of their really weak points.

• (1025)

Mr. Ken McDonald: I know that you mentioned the enterprises of yourself and your brother. You can't fish together, so you have to use two vessels.

Mr. Jason Sullivan: Yes.

Mr. Ken McDonald: I understand why you need two vessels.

I'd like you to explain to the committee because some members may not realize why you're restricted to this for one vessel and this for another one.

Mr. Jason Sullivan: There is a buddy-up arrangement. The way it works is that, in Newfoundland, you're allowed to combine three licences, so you can buy three enterprises and stack them on your own. You can buddy up for up to five enterprises in total, so if I had three and my brother had two, we could combine them. Since we both have three each, we're not allowed to do it. These are the kinds of things that don't make any sense. I don't know who came up with them and it's impossible to get them back on the table to talk about it. Why would you be allowed to buy three each and not be allowed to buddy up and work together?

DFO is really concerned about controlling agreements and rightfully so. Anything they've done has not curbed that. If anything, it's getting worse. They're attacking the few independent guys who are still there and trying to make a living. If the licence-holders are aboard the boat, who cares? You have three licence-holders aboard a boat and the gentlemen can vouch for that. Why does it matter? You're on the boat, so who cares who owns the boat, if you're all together catching the stuff that you're licenced to catch?

Mr. Ken McDonald: John, you mentioned the racket you had to go through with cutting off your boat. This didn't work, so you had to actually remove it completely and then put in another.

Could you explain to the committee how often you had to get your boat measured because of that and the cost that was involved?

Mr. John Will Brazil: Actually, I only had to get the boat measured once, as of now, because they kept telling me to hold off on it. They were pushing to get it measured more than once because if you cut it off one minute and then when he turns around and says no, that wasn't good enough.... Then he wanted me to get another guy in to measure it again. It was \$700 or \$800 every time you had the guy up, just to hold the tape on it and fill out that form for him. Yes, it is a big expense.

Mr. Ken McDonald: You've been through a rough road in the past year and a half.

Ryan, you've been here. You've been an MP and sat on this committee.

If there was one recommendation that you could see going forward from this committee at the end of the day, what would it be?

Mr. Ryan Cleary: Mr. McDonald, you brought it up again in the last meeting of this committee, and it was mentioned here today, and it's consultation. Obviously, I mentioned it in my presentation. It's DFO having its finger on the pulse of what's going on with harvesters. It's not relying on any union. It's not relying on the FFAW and it's not relying on FISH-NL, but it's having direct communication with the harvesters, so they understand—we have a term back home—boots on the deck. It's having that connection with boots on the deck, so they understand and they can make common sense. There's one expression that's missing in this industry and that's common-sense regulations.

The Chair: Thank you.

Mr. Doherty, you have seven minutes, please.

Mr. Todd Doherty: I want to thank our guests for being here.

Mr. Brazil, as our chair said, you spoke very eloquently and Mr. Sullivan as well.

As you could tell from the previous session with the officials who were here, we were absolutely flabbergasted at some of the testimony that we've been hearing. We know that this affects families and the livelihoods of those in the communities. Our honourable colleague brought this motion to the table for us.

Much of what we've been hearing in this testimony and this study, we've heard in other studies as well. I'll bring you back to this. Mr. Cleary, forgive me if I'm wrong, but you were around when we were doing the northern cod and Atlantic salmon studies. That was a year ago, I believe. There were some things that I found very frustrating and I don't understand. I'm going to ask all four of you to perhaps chime in. Why is the union, and from our understanding, WWF as well, sitting around the table developing or deciding policy and quota in these areas?

Go ahead, Mr. Cleary, or anybody else who wants to chime in.

• (1030)

Mr. Jason Sullivan: I'll speak to that really quickly.

I run the biggest social media group in Newfoundland with regard to the fishery, so I tend to get a lot of information before everyone else gets it. As we speak now, they're having the cod technical briefings back home in Newfoundland.

I'm not sure how this all started. Why was DFO downloading the responsibilities of fishery management onto a union, or whatever? It's totally wrong. We have scientists and everything else there in place to develop that stuff.

The GIDC is a new group; they formed a union. I think there's someone from the provincial government sitting on it. In 2016, the GIDC processors and the WWF formulated this plan, a cod-harvesting plan, that went against the science that the provincial government had a charter to do.

In 2016 they predicted the stock was going to increase by 23%, I think it was, and it only increased by 7%. So, what did the GIDC do then? They increased the harvest capacity for 2017, with a predicted growth of 30%. I found out on Monday, and I guess everyone will find out on Friday, that the stock apparently now has declined overall by 14%.

It went directly against what the recommendations were from the scientists who conducted the initial study that found an increase in the biomass. It's not good enough. This is our livelihood, and we have a group of.... I don't know who they are. What gives them the right to decide...who's a former RDG... and all this stuff? They went against the science and they gambled and they lost.

Mr. Todd Doherty: All of your testimony is really interesting. A lot of it is echoing what we've heard previously, and I just want to reconfirm.

Is it your testimony today that in some instances, and maybe all, the speed and efficiency of approvals can be determined by who you are and who you know, and that the allotment of quotas and the ability to go out can be determined by who you are and who you know? Is that all of your assertions today?

Mr. Jason Sullivan: Yes. Once you read my brief and some of the appendices, as I said, they pulled three applications, mine and John's and one other guy's, and that's when Kim Penney and Duke Tobin and the guy from the FFAW decided they were going to change the definition of length overall.

I can guarantee you, if that had to be three FFAW strongholds, that wouldn't have happened. They wouldn't have thrown them under the bus, would they?

Mr. John Will Brazil: As Jason was saying, it's there in proof. Looking through their emails back and forth, you see there was this harvester—I won't mention his name—who did the modifications to his boat, and they were all by the standards. Then he had three or four DFO officials saying that okay, everything looked good; and then you have one guy who chimes back and says, "Okay, hold on a second now. Such and such told me about this boat", without mentioning the fisher's name. What does the fisher's name have to do with it if his boat is to the right regulation?

Mr. Todd Doherty: In one instance, on the northern cod and the Atlantic salmon—I believe it was when we were on Fogo Island—one of the fishermen told us that when they had an issue and they wanted to speak to DFO, DFO pointed them to FFAW or WWF.

Mr. Ryan Cleary: This gets back to your original question and how this relationship between DFO and the FFAW is warped. There's no short answer to that.

Mr. Todd Doherty: Who's the boss?

Mr. Ryan Cleary: That's the problem. You just hit the nail on the head right there. Too often, harvesters can't tell who the boss is. Is it the union? Is it the federal Department of Fisheries and Oceans? That whole line has been blurred. That's the problem.

Mr. Mervin Wiseman: With regard to the relationship of DFO with the union, it probably started out with good intentions that the union would, per se, represent the wishes and the needs of the fish harvesters. But for some reason, there's this serious disconnect between what happens at the grassroots level through the union up to DFO. The intentions have gone to hell in a basket for some reason, and that has created serious problems.

I worked for the Canadian Marine Advisory Council for 10 years. In my capacity working on the fishing vessel safety file, I went there, on the standing committee for fishing vessel safety, which was co-chaired, by the way, by the Professional Fish Harvesters Certification Board, which is connected with the union. They used to always say to me, over a meal, not at the meetings, "Now, Merv, don't be trying to change the vessel size because this is our ability to keep that fleet separation. If we go to larger vessels, the fish plants and so on would only be able to afford it, and therefore the fishermen would be beholden to them."

You have to drill down fairly deeply, and there's more to it than what's been said here today and at other meetings, and so on. There's a serious dynamic happening here that has caused a lot of this problem.

• (1035)

The Chair: Thank you.

Very briefly, I'd like to clarify the acronyms that are always being thrown around. FFAW means Fish, Food & Allied Workers. There are people outside of this room listening to us. The WWF is the World Wildlife Fund. It is an ENGO.

Mr. Donnelly, go ahead for seven minutes, please.

Mr. Fin Donnelly: Thank you to our witnesses, you gentlemen, for providing your testimony on this. Hopefully, the common sense that you bring to this will be listened to, at least by the committee to make its recommendations.

I want to pick up from Mr. Wiseman's comments. I think he made a good assessment that there were probably good intentions initially. Things have definitely, in all four of your testimonies, slid off into something that is just definitely not working for fishermen. So maybe start there.

There seem to be two main areas. One is the standardizing of fishing vessel length and allocation connections, and one is consultation.

Perhaps, Mr. Sullivan, I will start with you. As Mr. Cleary mentioned, consultation is the key. How do you feel that DFO could improve the consultation process? Could you give the committee some recommendations or suggestions?

Mr. Jason Sullivan: Yes. They could just invite people to their meetings.

I was at a meeting a couple of weeks ago, and there were 40 empty chairs there. Why not invite people? We're not orangutans. You go in, you sit down, and you listen, and if you have an opportunity to speak, you can get up and speak. There are not thousands of people in these areas.

Mr. Fin Donnelly: Why do you think they don't do that?

Mr. Jason Sullivan: Because it's easy to go to the FFAW and ask, "What do you want to do?" Then someone from there can sign off.

You'll see the changes in my last appendix. From what I could find out, they're the annual changes that they try to make. It shows who is asking for these changes. Most times it's the FFAW.

They made monumental changes to the structure of our groundfishery last year, and nobody knew about it—nobody. They say in their briefing notes in the beginning that if we don't deem it to be important, we don't consult.

But these are major changes, separating areas and separating fleets, and nobody knew about them. They should be reversed until people know what's going on and have an opportunity to chime in on it. They're trying to keep us down rather than trying to...

It's the same thing with these rules. I'm glad you're looking at... When every other province in Atlantic Canada can do something, we should be able to do it too. I don't know why we're treated

differently. We have all these short-term leases. All this stuff is great stuff.

I can speak for the guys from the gulf in Newfoundland. If a boat decides it doesn't want to fish in the fall of the year because it's smaller, a guy in Newfoundland can't do a lease on that boat but he can go across the gulf 15 miles and get a boat from Quebec. And here's a guy in Newfoundland sitting down twiddling his thumbs, and he's probably not making any money but a guy from Quebec can come over and do it. I have nothing against the guy in Quebec, but how is that a level playing field?

In the spring of the year, in Fermeuse, where John Will and I fish, we see a flotilla of boats coming down from Nova Scotia to go fishing crab in Newfoundland. That's fine and dandy, however they do this, but we can't do that same thing, because DFO in Newfoundland doesn't allow us to go up there. How come there are these different segregations? It seems as if every other province can do it. The baseline is forty-four eleven in every other province. Why are we behind on that? It's just not right. There should be general policy for everyone, like Transport Canada does.

Mr. Fin Donnelly: That's what I was going to pick up on. If you could give one recommendation to the committee on making change, what would that be?

Mr. Jason Sullivan: There should be general policies in terms of short-term leases, vessel lengths, and all those policies that aren't specific to a certain fishery. They should be uniform for everyone.

The way you measure a boat... Why should we be measuring a boat 10 different ways? Measure a boat—that's it.

• (1040)

Mr. Fin Donnelly: Thank you.

Mr. Cleary, I'll move to something that's another key—and you talked about it—which is standardizing. What is preventing DFO from making that standard length policy? You touched on it in your testimony, but maybe you could elaborate a little bit more about why they won't do this.

Mr. Ryan Cleary: I don't know. I don't know the answer.

As I said before, what's missing is common sense. If you can have a rule.... Jason just pointed this out very well. If you can have one rule for vessel licensing in the Maritimes and Quebec but then a totally different rule in Newfoundland and Labrador, that gives a competitive advantage, an economic advantage, to vessel owners outside of Newfoundland and Labrador. It makes no sense.

I don't know why.

Mr. Fin Donnelly: I think we're going to have a chance to bring the officials back. I think we need to ask them very specifically about that issue on vessel length, and why you can't do that in consultation. You probably have an email on every file, on every licence. Why can't a note be sent about a meeting and having a consultation?

Mr. Ryan Cleary: From my perspective, Mr. Donnelly, what's happened is over the years things got too comfortable between DFO and the union, and things need to be shaken up. There needs to be challenge.

Mr. Fin Donnelly: Okay.

Any final words, Mr. Wiseman or Mr. Brazil?

Mr. Mervin Wiseman: The whole thing is bizarre. That's the only way I can describe this issue. The issue of proper consultations notwithstanding, something in the DFO DNA does not allow them to listen, even when they get the consultations. The Transportation Safety Board cannot be more explicit in their investigations and recommendations to DFO, yet DFO refuses to accept them and will not move the line on safety. Why are they so intransigent?

This would be my key recommendation. There has to be an arbitrator somewhere who can rise above the level of DFO and Transport Canada and say this is absolutely necessary, DFO was infringing on areas of jurisdiction.

Mr. Fin Donnelly: Yes.

We have about 30 seconds for John Will.

Mr. John Will Brazil: I'm good, yes.

The Chair: Thank you very much.

Ms. Jordan, you have seven minutes, please.

Mrs. Bernadette Jordan: I want to thank the four witnesses for being here today.

I particularly want to thank Mr. Sullivan and Mr. Brazil, because it's always nice to hear directly from the boots on the deck. I represent the south shore of Nova Scotia, one of the largest fishing areas in Atlantic Canada, so I always appreciate hearing the fishers.

Mr. Wiseman, you referenced a study on safety done by the Irish. Do you think you could table that report for us or provide the name of it so that we can have it? I think you made some very good points, that size definitely plays a role in the safety of a vessel.

Mr. Mervin Wiseman: Yes.

Mrs. Bernadette Jordan: Mr. Cleary, I was extremely pleased to hear you say that you wanted DFO to consult directly with fishermen. It doesn't matter which union they're represented by or if they're represented by a union at all.

How do we go about doing that?

We've been told the unions have been the conduit to communication. Maybe not.

How many fishers do we have in Newfoundland? How do you consult with them? That's a big challenge.

I'm just wondering if you have any thoughts on how that can be achieved.

Mr. Ryan Cleary: How many fishermen and fish harvesters in Newfoundland and Labrador is a good question. As I pointed out in my presentation, the Labour Relations Board has been trying to find that out for 15 months, and there's no end in sight for that.

I also mentioned in my presentation that, beginning last November and wrapping up in February, for the first time in a generation—and I'm not exaggerating in any way—DFO started in Labrador, worked their way down the Great Northern Peninsula, the south coast, the southwest coast, the east coast, and northeast coast, holding direct consultations.

The regional managers of DFO held these 20 meetings. I attended 17 of the 20. To start, they asked the fish harvesters who were in the room what their concerns were. Like Mr. McDonald's testimony in the last session—it was refreshing to hear some of the things you had to say, Mr. McDonald—it was refreshing to have DFO officials walk into a room, no big speeches, no big presentations, and ask about our concerns. That's the start. DFO, as you said, and as I said earlier, should bypass any unions and go directly to the fishermen and ask what they need, what they want, if this is working, if this is not working.

Most things are not working. Most commercial fisheries in Newfoundland and Labrador are at or near the critical point. As Jason mentioned about the northern cod, the technical briefing is tomorrow and we hear rumours it's showing a 14% decline. That is just shocking.

From my perspective, DFO is not doing its job in any way.

• (1045)

Mrs. Bernadette Jordan: You also mentioned the time frame. I'm not sure if it was with regard to registration or licensing. You said Nova Scotia takes a month, Newfoundland takes a year, Conne River in Newfoundland takes a day.

What was that with reference to?

Mr. Ryan Cleary: Vessel leasing.

Mrs. Bernadette Jordan: Short-term leasing.

Mr. Jason Sullivan: We're not allowed to do it in Newfoundland, but everyone else can.

Mrs. Bernadette Jordan: As I said with previous witnesses, it amazes me—in a country with federal departments—that we don't have the same regulations from one end to the other. I know we have a lot of vessels in my riding that of course are changing sizes to accommodate traps for lobster fishing, but I haven't heard a lot about the challenges you're facing.

Can you cite other examples where there is a difference between provinces that seems to be more advantageous to one area than another?

Mr. Jason Sullivan: Everywhere except for Newfoundland, basically. Like I say, their base length is higher to begin with. They have short-term leases; they have—

Mr. Ryan Cleary: —the ability to fish in other provinces, for example.

Mr. Jason Sullivan: Yes.

Mrs. Bernadette Jordan: I will say there are other areas that have the ability to fish in other provinces, because we have PEI fishers coming into the south shore of Nova Scotia, but Nova Scotians can't go there. We have it as well, in that respect.

Mr. Jason Sullivan: It's tricky.

The basic rules are just.... With vessel length, for example, I built a new boat. She's 39 feet, but 28 feet wide. Ten or 15 years ago, a 45-foot boat by 20 feet was called a "super 45". My boat now, square footage-wise, is bigger than that, but DFO is so stuck on this length thing. It's just so stupid.

Not everyone is going to go out and spend \$700,000 on a boat. The thing is, there are so many 45-foot or 44 feet 11 inch boats available because every other province could do this all along, that they're able to get a decent boat for \$100,000. They automatically fall in line with the CSI rules, and they're going to be more safe and everything else.

That's just the option. You hear fearmongering back home, with people saying, "Oh, I have to go buy a 45-foot boat now." You don't have to buy anything. You can keep the boat you have. It's up to you. You still only have whatever you want to catch, but it gives you the option, especially with the new groundfishery coming back, where every licence is deemed the same. We fish the same areas, and we have the same amounts, but some guys are expected to go 200 miles in a 35-footer. It's not right.

When you talk about a competitive advantage, they bring that in when it suits them. I'd like to know how an 89 feet 11 inch doesn't have a competitive advantage over a 39 feet 11 inch when you have the exact same licence.

The Chair: Thank you.

I believe Mr. Arnold has a quick point.

Mr. Mel Arnold: Thank you, Mr. Chair, and I thank you fellas for being here. Unfortunately, my question isn't for you.

Through the chair, I would like to request that we get a response, preferably from the Ministry of Transport and others, as to the

expected and/or typical timeline for a new stability assessment for various sizes of fishing vessels and the risk assessment process that the Ministry of Transport, DFO, and the Canadian Coast Guard use to determine the timeline and requirements for stability assessments for vessels that have been modified.

The Chair: I suggest you form your question into a motion for the next meeting. We can't do it here right now. We have to have 48 hours' notice, as you know. You may want to do that to bring that motion forward. In the meantime, you may want to directly ask Transport.

• (1050)

Mr. Mel Arnold: It was a question I posed to the Ministry of Transport officials who were here this morning. We did not get an answer. Formally, as part of this meeting, I'd like to request that we receive an answer.

The Chair: Just a second.

Sorry—it's related to the study, so if you want to move it, you can.

Mr. Mel Arnold: Very good. I move, then, that—

The Chair: I don't have time to go into what he just said. Does everybody understand what he said?

All those in favour of the motion by Mr. Arnold?

(Motion agreed to)

The Chair: Thank you very much for being here, Mr. Wiseman, Mr. Cleary, Mr. Brazil, and Mr. Sullivan.

Mr. Sullivan's document will be translated and brought to this committee on March 28.

Thank you all.

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