

ON THE WATER

The Professional Fish Harvesters Certification Board Newsletter

Summer 2003

BOARD RESPONDS TO RECENT COURT DECISION

A recent decision by the Supreme Court of Newfoundland and Labrador has upheld legislation enabling the Board to certify professional fish harvesters in the province. You will recall Mr. Wallace Wrice took legal action against the Board in June 2000. His statement of claim contained twelve allegations that the Board was acting outside its jurisdiction and authority. The decision by the Court confirmed the Board's authority to establish certification levels, to register fish harvesters, to develop training and education programs and to implement grandfathering criteria for fish harvesters with an historic attachment and economic dependence on the fishery.

However, in his decision issued on May 30, 2003, Mr. Justice David Orsborn did point out weaknesses in the legislation as it applies to the Board's Maintenance of Status policy. This policy required certified professional fish harvesters to earn 75% of their income during the fishing season from the fishery. The income threshold was overwhelmingly supported by fish harvesters during several rounds of consultations within the last decade.

The Court ruling with regard to the Maintenance of Status policy is due to a minor "drafting error" in the wording of the Professional Fish Harvesters Act. While the Board and the Province were acting under the assumption that the Act gave the Board authority to require fish harvesters to demonstrate their dependence on the fishery in order to be certified, the Judge ruled that in interpreting the legislation

"the court must, of course refer to the words actually used" in the Act. In light of the decision the Board has met with the Provincial Minister of Fisheries and Aquaculture, the Honourable Yvonne Jones who confirmed the Province's support for professionalization. The Minister indicated that government will amend the Professional Fish Harvesters Act to reflect the original spirit and intent of the professionalization program.

It is worthy to note why there is a professionalization program for fish harvesters in the province. Professionalization was introduced because fish harvesters wanted it. It has been designed to certify the legitimate harvesters whose main source of employment is from the fishery. Fish harvesters, especially crew members were frustrated with the number of individuals claiming an attachment to the industry. Therefore, the 75% income threshold was overwhelmingly supported and endorsed by fish harvesters as a way to resolve this problem.

Professional Fish Harvesters do not want to share their livelihood - in many cases a dwindling livelihood - with someone who has a full-time job working outside the fishing industry. For example, someone working on an oil rig in Alberta, who comes home for a few weeks in the summer months and displaces a regular professional crew member.



Members of the PFHCB Board of Directors discuss issues, including the recent court decision, during a Board meeting, June 2003.

Additionally, professionalization supports and promotes the owner-operator principle in the harvesting sector of the industry. This principle is important to coastal communities as it works to protect harvesters so that corporations and outside interests, such as the case in British Columbia, are not able to control the resource.

What effect will this court decision have on the operation of the Board and how will it affect fish harvesters? The Board will continue to function as usual and will continue to register and certify harvesters in accordance with the authority provided under the current legislation. The requirements for the attainment of the different levels of certification with regard to training credits and years of fishing experience remain in place. The entrance and safety training requirements for New Entrants and Apprentices remain in effect. For fish harvesters renewing or applying for certification, the Board will not, as per the Court ruling, enforce the disclosure of financial information to support proof of compliance with the 75% fishing income requirement. This disclosure or the provision of an accountant's certificate in lieu of the Declaration of Consent will now be optional, but harvesters are advised that this requirement will again be applied once the necessary amendments to the Fish Harvesters Act are passed.

INSIDE THIS ISSUE...

- Message from the Vice-Chairman
- Fishing for Photos
- Report from CCPFH National Assembly
- Board Airs Television Ads
- Safety Column
- Harvester Profile
- Fish Facts
- Safety Training for Apprentices-Update
- Training Options
- Coast Guard Releases Search and Rescue Brochure
- Frequently Asked Questions
- Posters Available - Free of Charge

MESSAGE FROM THE VICE-CHAIRMAN



Cyril Dalley, Vice-Chair of the Professional Fish Harvesters Certification Board, is a long-standing supporter of fish harvester professionalization.

Welcome to the third edition of "On the Water".

Our newsletter is intended to keep you up to date on matters pertaining to professionalization. I started fishing with my father in Twillingate when I was 12 years old. I learned very quickly that it was hard work and to be successful you had to acquire skills; skills that came only with experience. I also learned at an early age that there seemed to be a stigma attached to those who fish for a living - you were labeled as being somehow less important than people involved in other occupations. This was brought home to me in a big way when I graduated

from high school. I was advised at that time that if I didn't find another career I would end up like my father, being just a fisherman. This statement troubled me greatly and ever since when given the opportunity I have tried to change this image. Fishing for a living is a very honorable occupation.

I have been a firm believer in professionalization since the program was first discussed over ten years ago. As I stated, at that time the image of the fishing industry and fish harvesters ourselves was not held in very high standing. Fathers encouraged their sons to leave the industry due to the uncertainty of the business. In many instances, licences were held by individuals with full-time employment. Therefore, when harvesters came together to discuss and develop standards to govern participation in the industry and to have fishing recognized as a professional occupation, I became actively involved in the program.

The process of professionalization originated with fish harvesters and was never considered as an exercise to remove people from the industry. It is not a threat to owner-operators or crew members but a way of defining and strengthening their position in the industry. The professionalization and certification program strongly supports the principle that the right to fishing licences and quota's must be restricted to professional fish harvesters. In particular, our future fish harvesters must be protected to ensure their place in the

industry and must be assisted to receive the necessary training and experience to be successful in a rapidly changing industry. Attachment to and dependence on the industry are the key factors in identifying professional fish harvesters, and this dependency is maintained through the requirement to obtain 75% of one's income from fishing during the fishing season.

As Vice-Chair of the Professional Fish Harvesters Certification Board, I take some satisfaction in being part of the Board's accomplishments to date in highlighting the importance of the fishing industry to hundreds of coastal communities and to the Newfoundland and Labrador economy in general. Our recent television ads on professionalization, this newsletter, our poster on professionalization and our exhibitions at several Marine Shows are focused on stressing the value of the industry, and the skills required to be a professional fish harvester. The Board's education and training program for Apprentices has been successful and well received. The Board will continue these programs and others on the recommendation and input from harvesters. Our future plans include holding Board of Directors meetings throughout the province in major fishing centers. We would be pleased to hear the views of harvesters at these sessions.

A handwritten signature in black ink that reads "Cyril Dalley". The signature is written in a cursive style.

POSTERS AVAILABLE - FREE OF CHARGE

The poster released last year by the Board is receiving great reviews from coast to coast. It was first distributed last spring to fishing industry personnel, industry-related offices, and schools. Since then, the Board has been receiving requests from as far away as British Columbia.

As seen here, the poster portrays fishing as a progressive skilled occupation, with a deep-rooted history: the foundation of our economy and culture - past, present and future. It is part of the Board's ongoing effort to

promote fish harvesters and their industry. It's not propaganda... it's just a nice poster!

The Board has 1,000 copies available - free of charge - to fish harvesters who would like a copy for themselves. Put it up in your twine loft, wheelhouse, shed, or rec-room. You can pick one up at the Board office, or contact us by phone or e-mail.

The poster can also be viewed, in color, on our webpage at

www.pfhcb.com



OWNER-OPERATOR POLICY TOPS CCPFH NATIONAL ASSEMBLY

Delegates representing fish harvester organizations from seven provinces ascended on Ottawa-Hull this February for the third general assembly of the Canadian Council of Professional Fish Harvesters (CCPFH). The two topics that dominated discussion were protection of the owner-operator policy in Atlantic Canada and capital gains exemptions.

Joy Thorkelson of the United Food and Allied Workers Union in British Columbia silenced the 100 participants with an impassioned description of how DFO policy in B.C. has systematically devastated owner-operators in the Pacific fishery. “Unlike in Atlantic Canada, we haven’t had the benefits of the owner-operator and fleet separation policies, and that has meant privatization of the resource as companies gained control over access.”



Gilbert Penney (left) of Hickman’s Harbour chats with fellow fish harvesters Jeff Brownstein of Nova Scotia and Garth Mirau (right) of British Columbia. The CCPFH National Assembly brings Canadian fish harvesters together on issues of common concern.

Not only do companies own the licences outright and lease them back to fishermen, she explained, but they also act as brokers for other investors such as doctors and lawyers. She cited specific cases where third-party investors have “rented” quotas to fishermen who have ended up owing money at the end of the season.

Sandy Siegel of the Maritime Fishermen’s Union (MFU) warned delegates that DFO’s Atlantic Fisheries Policy Review (AFPR) will pave the

way for a B.C.-type system by watering down the owner-operator and fleet separation policies. It will effectively turn independent fish harvesters into company employees or licence renters, said Siegel.

Earlier in the General Assembly, Council President Earle McCurdy presented Fisheries Minister Robert Thibault with a strongly worded letter on the AFPR, signed by seven of the largest fish harvester organizations in the Atlantic region. The letter expressed concerns that DFO’s draft policy is tailor-made for processor interests who, over the years, have used legal loopholes to gain control over fishing licences in the under 65-foot fleets.

Delegates also raised the alarm about the excessive amount of capital gains tax being paid by retiring fish harvesters. Equity that harvesters build up in their fishing enterprise is essentially their retirement fund, but capital gains tax drastically reduces an enterprise’s “after-tax” value. The Quebec government has recently granted fish harvesters a \$500,000 tax exemption on capital gains, and delegates called on the CCPFH to step-up its efforts to get the federal and other provincial governments to follow Quebec’s lead.

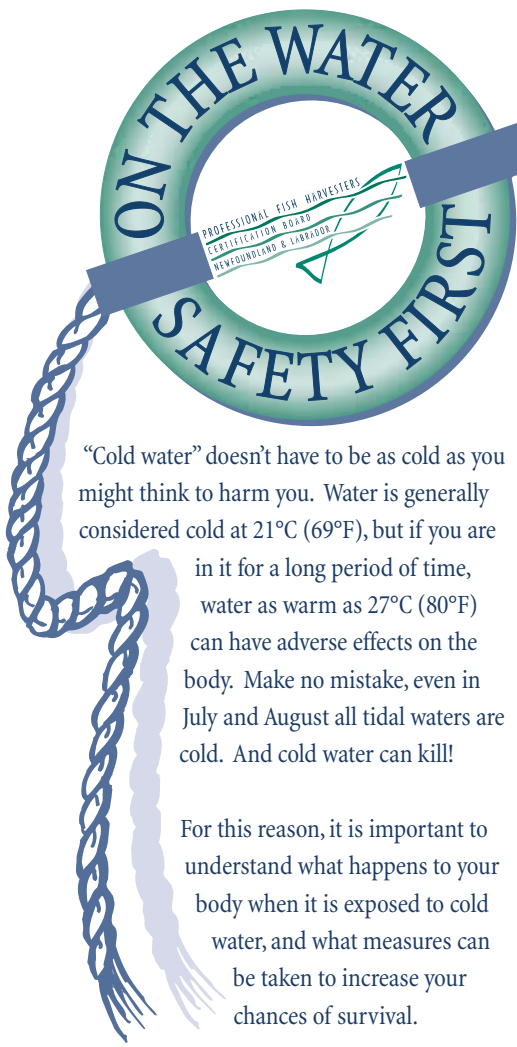
Final business of the Assembly was the election of a new Board of Directors. Newfoundland and Labrador Board members Earle McCurdy and Bill Broderick were re-elected for a 3-year term.

As a National Sector Council, the Canadian Council of Professional Fish Harvesters represents the interests of professional fish harvesters across Canada in their dealings with the federal, provincial and territorial governments on issues of common concern.

FISH FACTS

- In the late 1800’s nearly 90% of the male workforce in Newfoundland was occupied in the fishery.
- The smallest crab is the pea crab, which lives inside oyster shells, and can be less than 1.5 mm in length. The largest crab is the Japanese spider crab, which reaches 12 feet from leg tip to leg tip, and has a body measuring 18 inches by 12 inches.
- The Portuguese claim to have 365 ways of preparing dried salt cod (bacalhau) one for each day of the year.
- The Newfoundland cod trap was developed in the late 1860’s by Captain William H. Whitely, a fishing skipper operating on the coast of Labrador. By 1911 Canadian government inspectors recorded the use of 6,530 cod traps in Labrador alone!
- It is believed that ‘fish farming’ began in China around 900 A.D. The fish were raised exclusively for the emperor’s consumption.
- In 1832 fishermen in Hr. Grace/Carbonear banned together in one of the first attempts to unionize. Their efforts were quickly squashed by the Chief Justice in St. John’s, who threatened them with the full weight of the law.
- 25 years ago Atlantic bluefin tuna sold for as little as a penny per pound (for cat food). Today, that same bluefin tuna could sell for up to \$50 per pound. That’s \$50,000 for a large fish!





SURVIVING SUDDEN COLD WATER IMMERSION

“Cold water” doesn’t have to be as cold as you might think to harm you. Water is generally considered cold at 21°C (69°F), but if you are in it for a long period of time, water as warm as 27°C (80°F) can have adverse effects on the body. Make no mistake, even in July and August all tidal waters are cold. And cold water can kill!

For this reason, it is important to understand what happens to your body when it is exposed to cold water, and what measures can be taken to increase your chances of survival.

What happens in cold water?

Upon unexpected (and it usually is) immersion into cold water, the first hazards to contend with are panic and shock. The initial shock can place severe strain on the body, and sometimes produces instant cardiac arrest and unconsciousness.

Survivors of cold water incidents have reported the breath driven from them on first impact with the water. Should your face be in the water during the first involuntary gasp for breath, it might well be water rather than air that enters your lungs. Total disorientation may occur after cold water immersion. Persons have reported “thrashing helplessly in the water” for thirty seconds or more until they are able to get their bearings.

Cold water robs the body’s heat 27 times faster than cold air. It can quickly numb the extremities (arms and legs) to the point of uselessness. Cold hands cannot fasten the straps of a life jacket or Personal Floatation

Device (PFD), grasp a rescue line, or hold onto an over-turned boat. Within minutes hypothermia sets in and severe pain clouds rational thought. Unconsciousness and possible death will follow if proper first aid treatment is not administered.

What to do in cold water.

If you fall into the water, it is critical that you remain calm. Physical activity as a result of panic causes the body to lose heat at a much faster rate than remaining calm in the water. All efforts should be given to getting out of the water by the fastest means possible. Most man-overboard incidents involve open boats that, even when filled with water, will support the weight of its occupants. If the boat has capsized and cannot be made right, climb on top of it.

If you find yourself in cold water and are unable to get out, you will be faced with a critical choice - attempt to swim to safety or adopt a defensive posture in the water to conserve heat and wait for rescue. Remember - few people, even strong swimmers, can swim a mile in water that is 10°C (50°F). Swimming and/or treading water greatly increases heat loss, and can shorten survival time by 50%.

If you are alone and wearing an approved PFD, it is recommended that you slow down body heat loss by using the **Heat Escape Lessening Position (HELP)**.

Cross your arms tightly against your chest and draw your knees up. Remain calm and still. Do not try to swim.

Unnecessary movement will use energy that your body requires to survive. Practice the HELP position in warm water.

If you are with other people wearing PFDs, everyone should “**HUDDLE**”.

Huddle with everyone’s chests and sides close together.

Intertwine legs and extend your arms around the people next to you.

Preparation for cold water immersion.

The ability of an approved PFD to increase your chances of surviving cold water immersion cannot be stressed enough. Wearing an approved PFD while on deck will greatly increase your chances of survival should you unexpectedly find yourself in the water.

Likewise, in a situation where you have time to prepare for entry into cold water, donning an immersion/survival suit will lessen the effects of cold water, and significantly increase your likelihood of survival. Once in the water it is critical that you remain calm, know what to expect from cold water immersion, and be prepared to respond in an appropriate manner.

Proper preparation, training and knowledge are essential for surviving sudden cold water immersion. Marine Emergency Duties (MED) training prepares harvesters for all aspects of emergency response, including cold water immersion - what to expect and how to respond. Such preparation will enable you to make calculated decisions that could ultimately save your life.



HELP

HUDDLE

PFHCB DELIVERS BASIC SAFETY TRAINING TO 3,000 APPRENTICES

From Cartwright to Lapoile, Rencontre East to Trout River, Little Bay Islands to South East Bight ...over 100 communities and nearly 200 courses in total. From March 2002 - March 2003, the Board has delivered a 5-day Basic Safety Course to nearly 3,000 Apprentice fish harvesters in just about every nook and cranny of the province.

This training is the result of the Board's mandatory safety requirement for all Apprentices and New Entrants. Completion of a recognized safety course is now a condition of registration for all Apprentices. The 5-day course includes

Marine Emergency Duties (MED A3), Marine Advance First Aid, and General Seamanship & Stability. The method of instruction is fisherman-teaching-fisherman, whereby qualified experienced fish harvesters deliver the program to their colleagues.

"The safety requirement for Apprentices has always been part of our criteria, but until now it had not been enforced," says Brendan Condon, Executive Director of the Board, "We couldn't implement a mandatory training requirement until we were capable of delivering the training to all Apprentices within a reasonable cost, distance and time frame". Since early in 2002 the Board has been doing just that, and the response from participants has been overwhelmingly positive.

"They (participants) are a bit quiet and distant on Monday morning", says instructor Jarvis Walsh of Flowers Cove, "but once they realize that we're fishermen just like them everything falls into place. Everyone seems to enjoy the course, and I think people are glad to get the training in their own communities".

Safety training for Apprentices will begin throughout the province again in October, and the Board has already received over 900 applications for its fall/winter session. 2003 New Entrants will receive applications later this summer. Harvesters who complete Marine Emergency Duties (MED A1 or equivalent) are exempt from the 5-day basic safety course.



Participants practice CPR procedures at a basic safety course in St. John's. Instructor, Doug Howlett, demonstrates fire-fighting techniques and deploys a hand held flare.

TRAINING OPTIONS FOR CERTIFICATION UPGRADING

Apprentices and Level I harvesters are required to complete a specific number of land based education credits, in addition to accumulating full-time fishing years, in order to advance to the next certification level.

Each fall and winter the Marine Institute of Memorial University offers various fisheries related training courses/programs, both at main campus and community based. These courses/programs include Fishing Masters, Marine Engineering,



Marine Mechanics, Pre Sea Deck hand, a 12-week Professional Fish Harvester Program, and several other shorter one and two-week courses.

For more information on fisheries related training and certification upgrading, please call the Board office at 722-8170 or contact Perry Morris of the Marine Institute at 1-800-563-5799 (ext. 514).

COAST GUARD RELEASES SEARCH AND RESCUE BROCHURE

Search and Rescue (SAR) is the responsibility of the Canadian Coast Guard (CCG), and each year in this province the CCG responds to hundreds of marine incidents. Everyone has a role to play in the SAR system, and when an emergency occurs it is important to have a full understanding of how the system works.



The Canadian Coast Guard has recently released a 16-page color brochure, outlining the three main components of the SAR system: Alerting, Detection and Response. The brochure is a valuable source of information for all fish harvesters. Fishing is a dangerous activity, and when an accident occurs, the Search and Rescue (SAR) system quickly becomes your primary safety net. Understanding how the system works could be the difference between life and death.

The brochure is appropriately titled Alerting, Detection & Response - Dealing with accidents at sea. You can receive a copy by contacting any CCG office or by contacting the Professional Fish Harvesters Certification Board at (709) 722-8170.

HARVESTER PROFILE

- DWIGHT RUSSELL OF MARY'S HARBOUR, LABRADOR

At the age of 34, Dwight Russell is relatively young compared to most Core enterprise owners in Newfoundland and Labrador. However, in the 20 or so years since he began his fishing career with his uncles in Williams Harbour, he has witnessed a lifetime of change. In his early days as a teenager fishing for cod and salmon in an open trap boat, he never thought he would see the day that he traveled to the edge of the continental shelf on a 55' vessel outfitted with electronic navigation, computer systems, satellite phones, and e-mail. During a decade that saw people and communities struggle to survive, Dwight managed to establish himself as one of the most successful fish harvesters on the Labrador coast.



Dwight Russell, in the wheelhouse of his 55' longliner "Patrick-David". Makkovik 2003.

Dwight attributes his successes in the fishery to a combination of hard work, persistence, and good fortune. After completing high school in 1987, he attended university for one year before returning home to continue fishing inshore. During the winters of 1990 and 1991 he returned to the Marine Institute in St. John's, where he completed his Fishing Masters Class IV and Fishing Masters Class III.

With his Fishing Masters Tickets and a 45' boat he partnered with the late Ronald Strugnell of Williams Harbour, and with Mr. Strugnell's snow crab licence they weathered the closure of the Northern cod fishery in 1992. However, three years later and still under moratorium, Dwight found himself back on his own, and like many other fish harvesters on

Labrador's south coast - with a groundfish licence but no livelihood. Determined to survive, he jumped at the opportunity to fish an Estate Licence (supplementary crab) for five years from 1995-1999. He eventually received the transfer of that enterprise and has since invested in a Northern shrimp licence. Today he fishes crab and shrimp with his uncle Ross Russell, brother Dwayne, and brother-in-law Lorne Hillier.

When he's not at sea, Dwight does his best to stay involved in his community and industry. For the past ten years he has been a board member with the Labrador Shrimp Company, and for the past four years he has served as secretary-treasurer. He is also a member of the Board of Directors with Labrador Choice Seafoods (a joint venture between the Shrimp Company and the Barry Group), and a long-standing member of the local fishermen's committee in Mary's Harbour. He has high praise for the Labrador Shrimp Company, and the social and economic

contribution it has made, and continues to make, to the Labrador coast. He considers it an honor to be involved with such an organization, and to give something back.

Dwight admits that the last couple of years have brought about some concern over the state of the snow crab resource in 2J. However, despite the troubles with crab and shrimp again this year, he is confident that with the right management and responsible fishing practices the Newfoundland and Labrador inshore fishery can survive. In fact, Dwight still considers fishing a viable career choice, but advises that education is the key to success, even in the fishery.

Dwight Russell resides in Mary's Harbour, Labrador with his wife, Jeanette, and their two children, Marc (6) and McKenzie (8).

TELEVISION ADS PROMOTE FISH HARVESTERS & THEIR INDUSTRY

Anyone watching CBC or NTV over the past few months may have seen something they have never seen before - television commercials promoting Newfoundland and Labrador fish harvesters and their industry.



Earlier this year the Board had two 30-second television ads developed, which aired between March and June. Have you seen them? The first ad, which displays the multitude of skills required to be a fish harvester, promotes fish harvesting as a legitimate professional occupation. The second ad reveals the economic and social value of the commercial fishery, and the immense contribution of fish harvesters.

Raising the profile of fish harvesters as highly skilled professionals is an important part of the Board's mandate, and we will continue these types of promotional initiatives in the future. If you have any comments on the television ads or any suggestions/ideas for future undertakings, we'd like to hear from you.

Anyone who would like to view the television ads can find them in the "What's New" section of the Board's webpage at www.pfhcb.com.

FREQUENTLY ASKED QUESTIONS

Many harvesters have inquired about Transport Canada's mandatory Marine Emergency Duties (MED) training requirement. Since there is a fast approaching deadline involved, we thought it would be beneficial to address some of these questions.

Q Am I required to do a Marine Emergency Duties (MED) course?

The simple answer is YES. Transport Canada (under Section 21 of the Crewing Regulations of the Canada Shipping Act) requires all fish harvesters to have a Marine Emergency Duties (MED) certificate by April 1, 2007.

Fish harvesters who do not already have a MED certificate are required to be registered for the applicable MED course by July 30, 2003, and have a "proof of registration" document to present to Transport Canada if required.

For the information of fish harvesters who have completed MED courses in the past, there is normally no expiration date on a MED certificate. However, if you cannot locate your certificate, it is recommended that you contact the training institution where the course was completed.

Q Which Marine Emergency Duties (MED) course do I require?

The MED course that you require is based on your voyage distance, as follows:

MED A1 - All fish harvesters on fishing vessels making voyages beyond 20 miles are required to complete MED A1.

MED A3 - All fish harvesters on fishing vessels making voyages no more than 20 miles can complete MED A3 in lieu of MED A1. Either is acceptable.

MED A4 - All fish harvesters on fishing vessels or aquaculture vessels operating in sheltered waters no more than 2 miles from shore can complete MED A4 in lieu of MED A1 and MED A3. Either is acceptable.

Q How can I get more information on Marine Emergency Duties (MED) training?

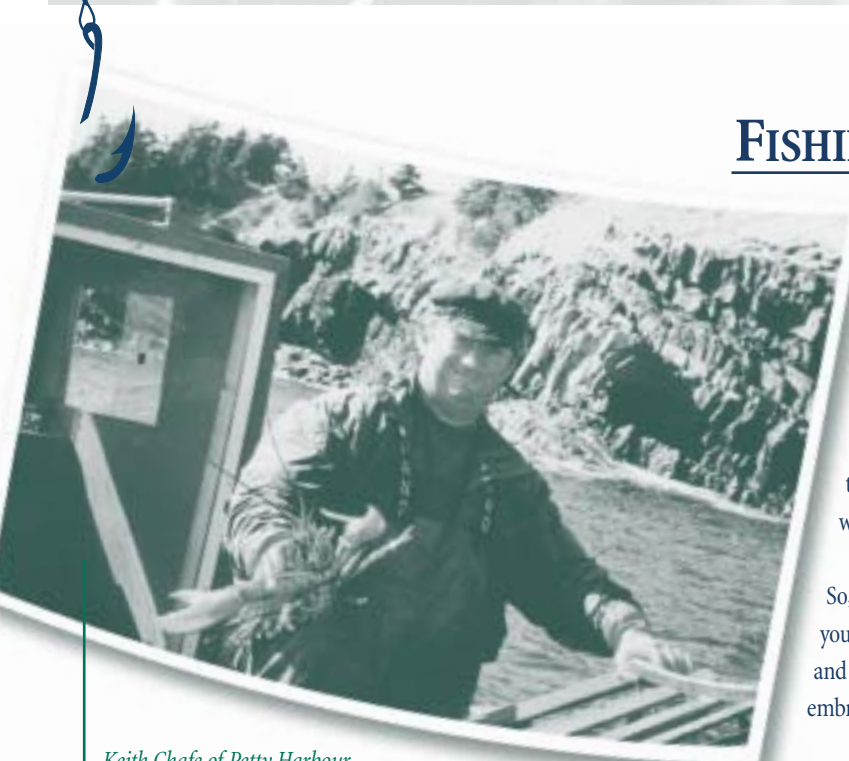
Information regarding the Transport Canada Marine Emergency Duties (MED) requirement or MED A1, A3 or A4 training is available from:

Marine Institute of Memorial University
1-800-563-5799 (ext. 488)

**Professional Fish Harvesters
Certification Board**
709-722-8170

Transport Canada - Marine Safety Offices

| | |
|--------------|--------------|
| Corner Brook | 709-637-4390 |
| Lewisporte | 709-535-2503 |
| Marystown | 709-279-2201 |
| St. John's | 709-772-5167 |



Keith Chafe of Petty Harbour displays a lobster he pulled from the water near Maddox Cove. The Board is searching for fishing related photos for its newsletter and other materials.

FISHING FOR PHOTOGRAPHS

If you have a commercial fishing-related photo, we'd like to see it! The Board is always searching for photographs to use in our newsletter and other promotional materials.

What kind of photos? You name it... Fish harvesters at work - setting gear, hauling gear, mending twine, repairing motors, offloading catches, fibreglassing boats; pretty much anything goes. Believe it or not, these types of photos are difficult to come by, especially fish harvesters working at sea.

So, send us your photos. The originals will be copied and returned to you immediately. You'll receive a PFHCB key-chain just for participating, and if we use your photo in any of our materials we'll send you a PFHCB embroidered shirt.

For an example of the type of photos we have received to date visit the photo gallery on our webpage at www.pfhcb.com.