

FW: West Bay Seafood Ltd.-Applying for Federal Registration

From: Lukman, Stella AFF:EX <Stella.Lukman@gov.bc.ca>
To: Hunchak, Dave AFF:EX <Dave.Hunchak@gov.bc.ca>
Cc: Lane, Michael AGRI:EX <Michael.Lane@gov.bc.ca>
Sent: February 20, 2018 12:12:29 PM PST

FYI.

As per your request.

Please note that Mike and I haven't reviewed the email yet.

Stella

778-866-5287

From: Wong, Cermay (CFIA/ACIA) [mailto:Cermay.Wong@inspection.gc.ca]
Sent: Tuesday, February 20, 2018 11:56 AM
To: Lane, Michael AGRI:EX; Lukman, Stella AGRI:EX
Cc: lau, jennifer (CFIA/ACIA)
Subject: RE: West Bay Seafood Ltd.-Applying for Federal Registration

Hello Mike and Stella

I've provided the following update to the domestic fish group and my supervisor on this file as of date, please let me know if there are any errors or details you'd like to add.

The 8 racks of dry sea cucumber found claimed to be for R & D by West Bay has been disposed along with two bins of fish. They were found to be produced in the midst of construction where there are concerns of contamination.

s.22 expressed the company purchases frozen sea cucumber from Grand Hale Marine Products, a federally registered facility, invoice presented. Two bulk boxes of dried sea cucumber were found sitting on the floor in the front office with no labels, no identification of any sort as the box was blank. According to s.22 the dried sea cucumbers are purchased from Big River International Inc. in Ontario and Etimemarket Inc. in Burnaby, BC, invoices were provided for these companies. Etimemarket appears to be a tailoring business. Inspector M. Lane tried calling the number on the invoice and was unsuccessful in getting a hold of someone. s.22 also called and couldn't get a hold of the owner Mia Gong.

Invoices were provided showing the customers West Bay Seafoods has sold which includes several local businesses in the Metro Vancouver Area. Products include frozen sea cucumber, finfish products and dried sea cucumber dated Oct and Nov 2017. One invoice shows one box of dried sea cucumber was sold to T & T with the consignee being the Calgary Store-007. A gift box package of the sea cucumber was found in the front office which is packaged for T & T. s.22 expressed West Bay Seafoods repacks the bulk dried sea cucumber into the gift boxes for T & T. It was explained to the company that repacking the product is considered processing and because West Bay Seafoods is not federally registered they cannot sell outside of BC. s.22 noted they sell it to T & T located at 21500 Gordon Way, Richmond, BC and T & T ships it to their Calgary store. This inspector asked if West Bay Seafoods informed T & T they are not federally registered, s.22 said no. This will be referred to our Import Surveillance team for follow up regarding exporting without a registration.

In addition to fish products, West Bay Seafoods Ltd. was found to have repacked some dried mushrooms, about 20 bags of them in a box were found in the office. s.22 explained the mushrooms were purchased in bulk (no invoice available) and given to customers for free for Chinese New Year. A picture of the company's business license was taken, it shows they were licensed for "Wholesale Trading", it does not appear they are licensed to process or repack. The label shows the company's address but the name shows "North American West Bay Health Food Ltd." s.22 expressed that is another company name they have but they no longer use. This inspector explained the CFIA will inform Vancouver Coastal Health of this finding to confirm they are aware products are being repacked at the facility.

The facility was not able to provide any written program or processing records. The invoices do not show what lots were sold, traceability is not in place. This inspector asked consultant Jim Tam if the company is implementing the QMP program they have submitted to the Domestic Fish group and he said no. A walkthrough of the facility was conducted, it was evident construction was ongoing at the facility.

DFO officer Trevor Tomlin arrived at West Bay Seafoods and he expressed the company currently being prosecuted for laundering First Nations halibut. Officer Tomlin issued a demand notice to West Bay Seafood for all records related to sea cucumber and salmon to be provided by Feb 22/18 4pm as the source of these products is under question. During officer Tomlin's questioning s.22 noted they also buy frozen sea cucumber from Evergreen. She then elaborated the company bought approx \$50,000 US of sea cucumber from Seattle and had it custom processed by Evergreen. She believes the Seattle company name is Wild Use. Officer Tomlin also asked about Etimemarket, s.22 said that company imports dried sea cucumber from Alaska and she has been to the store when it was noted the company appears to be a tailor. s.22 tried calling the owner Mia Gong but no one picked up. After further questioning, s.22 revealed that the unlabelled boxes of dry sea cucumber in the front office were actually processed by West Bay Seafoods from the frozen sea cucumbers from Grand Hale. At the beginning of the follow up the BC MAgrri inspectors and CFIA inspectors J. Lau and this inspector were led to believe they were supplied by Big Fiver International Inc. and Etimemarket.

BC MAgrri wrote two violation tickets to West Bay Seafoods for the following: failure to meet requirement respecting facilities, fail to make reports, knowingly provide false information, fail to ensure fish safe for human consumption, fail to comply with act, fail to keep records. A suspension letter was delivered today, reinspection is for Feb 27th where the company needs to have addressed all the non compliances in the report.

Thank you,

Cermay Wong

Senior Compliance Officer | British Columbia Animal and Food Directorate
Canadian Food Inspection Agency | Government of Canada
Cermay.Wong@inspection.gc.ca | Telephone (604) 292- 5759 | Facsimile (604) 292-5601

Agent principal de la conformité | Direction des Animaux et Aliments -Colombie-Britannique
Agence canadienne d'inspection des aliments | Gouvernement du Canada
Cermay.Wong@inspection.gc.ca | Téléphone (604) 292- 5759 Facsimile | Télécopieur (604) 292-5601

From: Wong, Cermay (CFIA/ACIA)
Sent: 2018-02-16 8:51 AM
To: 'Michael.Lane@gov.bc.ca'
Cc: Fotheringham, Cortnie (CFIA/ACIA); Tseung, Roger (CFIA/ACIA)
Subject: West Bay Seafood Ltd.-Applying for Federal Registration

Hello Mike,

As per our conversation yesterday, it's been confirmed that West Bay Seafood Ltd is in the process of obtaining a fish federal registration. The supervisor for this group is Cortnie Fotheringham and the inspector working on this company's submission is Roger Tseung, whom I've both cc'ed here. I've given them a summary of what happened at the facility yesterday and that we're going today to follow up.

Roger may have questions for you later on during the review of West Bay Seafood Ltd's application to the CFIA.

See you soon,

Cermay Wong

Senior Compliance Officer | British Columbia Animal and Food Directorate

Canadian Food Inspection Agency | Government of Canada
Cermay.Wong@inspection.gc.ca | Telephone (604) 292- 5759 | Facsimile (604) 292-5601

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Page 04 of 26 to/à Page 12 of 26

Withheld pursuant to/removed as

s.15 ; s.22

Page 13 of 26 to/à Page 14 of 26

Withheld pursuant to/removed as

s.15

Order Issued Under Section 25(1) Of The Fish and Seafood Act

Ministry of
Agriculture

Person(s), Contact Information And Place Subject To Order

Name of person(s) subject to this order:
WESTBAY SEAFOOD LTD.
s.22

Contact Information:
604-273-5563

Location or address of premises this order relates to:
2300 VAUXHALL PLACE
RICHMOND, BC.

Date this order takes effect: Feb 15, 2018

Date this order is issued: Feb 15, 2018

Reason For Order

UNSAFE FOOD PROCESSING

This Order Is In Respect Of (specify details on type of fish or aquatic plants, premises, container, utensil, equipment or other thing)

ORDER WILL BE TERMINATED AT INSPECTOR'S DISCRETION AND UPON
FULFILLING ALL REQUIREMENTS of the FISH AND SEAFOOD ACT.

Termination Of Order (specify the date and or the circumstances by which the order may be terminated)

ALL SEAFOOD PRODUCT IN FACILITY. WHETHER FRESH, FROZEN, PACKED,
PROCESSED OR READY TO EAT.

Actions Which Must Be Taken

STOP OPERATING, CEASE PROCESSING, NO DISTRIBUTION

Date action must be completed, if applicable: Feb 19, 2018

Date Completed: Feb 27, 2018 Inspector's Initial: M Date: Feb 27, 2018

Notes:

Reinspect Monday February 19, 2018

Signature Block

Mike Lane
Fisheries Inspector

Feb 15, 2018
Date

I acknowledge receiving a copy of
this order:

Client

Feb 15, 2018
Date

Fisheries Inspector's Contact Details

Name: Michael Lane

Address: Ministry of Agriculture

1767 Angus Campbell
Abbotsford, BC

Phone Number: 604 556 3141

Orders - section 18(2) - 23(1)(I) - 25 - 26(3)(b) Fish and Seafood Act

You have been issued an order under the authority of section 18, 23, 25 or 26 of the *Fish and Seafood Act*.

You must comply with this order (s. 35 of the *Fish and Seafood Act*).

If this order is posted, you must not remove, alter, or deface it (s. 36 of the *Fish and Seafood Act*). If you do not adequately comply with this order, you may be subject to an administrative penalty or you may be prosecuted for an offense (s. 51, 54 of the *Fish and Seafood Act*).

You are liable for all costs incurred in relation to this order and these costs are recoverable in court (s. 28 of the *Fish and Seafood Act*).

You may request a reassessment, reconsideration, or review of this order (s. 31, 32 and 33 of the *Fish and Seafood Act*). Note that a reassessment, reconsideration or review of an order is not available where an inspector has analyzed the fish or aquatic plants and determined that the product is unsafe food and must be destroyed immediately to prevent any distribution of unsafe food (s. 34 of the *Fish and Seafood Act*).

Reassessment of Order under section 31 of the *Fish and Seafood Act*

You may request the issuing inspector to reassess the circumstances under which this order was made, consider the extent to which it has been complied with, and determine if the order continues to be necessary. The inspector may decide to confirm, vary, or terminate this order. A request for a reassessment must be in writing. Please complete a reassessment form.

A reassessment can only be requested for an order made under Section 25(1)(a),(b),(e), to (h),(k) or (l). A second request for a reassessment can be requested 7 days after the first. Subsequent to this no further reassessment can be made.

Reconsideration of Order under section 32 of the *Fish and Seafood Act*

If you have additional relevant information which was not available when the inspector made the order, and less than 20 days have passed since the order was made, you may request the issuing inspector to reconsider this order. Please submit a reconsideration form. The inspector may:

- Vary, confirm, or rescind this order,
- Delay the date the order takes effect or suspend the order, if this will not cause the distribution of unsafe food, or
- Reject the request if the information is not new or relevant.

This order continues to be in effect while the inspector reconsiders it unless the inspector agrees in writing to suspend it. You will receive written reasons for the reconsideration decision. You may not request a second reconsideration.

Review of Order under section 33 of the *Fish and Seafood Act*

If you have completed a request for reconsideration and less than 20 days have passed since receiving a determination on the reconsideration or if reconsideration was not available to you and less than 20 days have passed since the order was made, you may request a review of this order by a reviewing officer.

You must submit a review form. The review will be based on the existing record. The reviewer may:

- Vary, confirm or rescind the order,
- Delay the date the order takes effect or suspend the order, if this will not cause distribution of unsafe food, or
- Refer the matter back to the person who made the order, with or without directions.

This order continues to be in effect while the reviewing officer reviews it unless the reviewing officer states in writing that this order is suspended. You will receive written reasons for this decision. You may not request further review.



February 19, 2018

VIA HAND DELIVERY

West Bay Seafoods Ltd.
2300 Vauxhall Place
Richmond BC V6V 1Z9

Dear ^{s.22}

Re: Notice of intention to suspend 2018 Seafood Processor licence 2018-000060

The Food Safety and Inspection Branch of the Ministry of Agriculture is responsible for the licensing, inspection, and compliance functions in relation to the handling and processing of fish within British Columbia under the provincial *Fish and Seafood Act*, and associated regulations.

West Bay Seafoods Ltd. was inspected by Ministry of Agriculture inspection staff, Michael Lane and Stella Lukman, on February 15, 2018. At the time of the inspection, several significant violations were observed including:

- processing taking place while facility under active construction,
- foreign matter (e.g., drywall dust & other contaminants) covering surfaces in the processing area,
- no documents present, or available, indicating product origin,
- no documents present, or available, indicating product distribution,
- no processing records present, or available,
- no labelling on containers, totes, boxes of fish product,
- no food safety plan present for species being processed (sea cucumbers),
- no sanitation plan present, or related records, pertaining to sanitation,
- improper storage of chemicals, cleaning agents, construction equipment, and
- improper storage of inedible products and fish offal.

As a result of these compliance issues, West Bay Seafoods Ltd. was issued an order to:

- Stop operating, cease processing, no distribution of any product in the facility, whether fresh, frozen, packed, processed or ready to eat

Inspection staff attended the processing facility again on February 16, 2018. At that time, we observed that no processing was occurring. While some records were provided

regarding products within the facility, there were concerns regarding the legitimacy (e.g., receiving fish products from an address of a dry cleaning facility) of

.../2

those records. Inspection staff also observed that the remaining violations were not yet addressed.

Based on this information, and as required by section 10(3) of the *Fish and Seafood Act*, I intend to suspend West Bay Seafoods Ltd.'s 2018 Seafood Processor licence. This suspension will take effect on February 28, 2018 and will remain in effect until I am satisfied, upon Ministry inspection staff observations, that West Bay Seafoods Ltd. meets all regulatory requirements.

Please consider the time between your receipt of this letter and February 28, 2018 (the intended starting date of the licence suspension) as your opportunity to respond to this notice. If you choose to respond, please do so in writing, by way of either email at Dave.Hunchak@gov.bc.ca or regular mail (address below), no later than February 27, 2018. If you have any questions, please contact me at 250-203-1927.

Regards,



Dave Hunchak
Licensing Officer
Seafood Safety and Quality Unit, Ministry of Agriculture



February 19, 2018

West Bay Seafoods Ltd.
2300 Vauxhall Place
Richmond BC V6V 1Z9

ORIGINAL HAND - DELIVERED

Dear ^{s.22}

Re: Notice of intention to suspend 2018 Seafood Processor licence 2018-000060

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.../2

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Regards,



Dave Hunchak
Licensing Officer
Seafood Safety and Quality Unit, Ministry of Agriculture



February 28, 2018

West Bay Seafoods Ltd.
2300 Vauxhall Place
Richmond BC V6V 1Z9

VIA E-MAIL

Dear^{s.22}

Re: Notice of intention to suspend 2018 Seafood Processor licence 2018-000060

On February 15 2018, as a result of several significant violations under the *Fish and Seafood Act*, West Bay Seafoods Ltd. was issued an order by Inspector Michael Lane to:

“Stop operating, cease processing, no distribution of any product in the facility, whether fresh, frozen, packed, processed or ready to eat”.

The severity of these findings also resulted in the issuance of a Notice of Intention to suspend West Bay Seafoods Ltd.'s 2018 Seafood Processors licence (2018-000060).

Inspector Michael Lane returned to West Bay Seafoods Ltd. on February 27, 2018 to conduct a follow-up inspection for regulatory compliance. All violations identified on February 15, 2018 had been corrected and no other compliance issues were noted. As a result, order GO#0028 was terminated.

Based on Ministry inspection staff observations and the fact that the order has been terminated, I am satisfied that West Bay Seafoods Ltd. is currently in compliance with the *Fish and Seafood Act*, and therefore I am rescinding the notice to suspend your 2018 Seafood Processor licence.

Ministry inspection staff will continue to monitor West Bay Seafoods Ltd. to ensure regulatory compliance. These regulatory requirements exist to ensure that seafood is processed in a safe and acceptable manner.

If you have any questions, please contact me at 250-203-1927.

Regards,

Dave Hunchak
Licensing Officer
Seafood Safety and Quality Unit, Ministry of Agriculture



February 28, 2018

West Bay Seafoods Ltd.
2300 Vauxhall Place
Richmond BC V6V 1Z9

ORIGINAL VIA E-MAIL

Dear^{s.22}

Re: Notice of intention to suspend 2018 Seafood Processor licence 2018-000060

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“Stop operating, cease processing, no distribution of any product in the facility, whether fresh, frozen, packed, processed or ready to eat”.

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If you have any questions, please contact me at 250-203-1927.

Regards,

Dave Hunchak
Licensing Officer
Seafood Safety and Quality Unit, Ministry of Agriculture

Frozen Wild Sockeye Salmon Fillet

Process By:

West Bay Seafoods LTD
2300 Vauxhall Place
Richmond BC Canada V6V 1Z9

Product Caught at Sea (FAO Fishing Area:67)

INGREDIENT: Wild Sockeye Salmon

LOT# FSF-07042017-GH
Production Date :July 4 2017

Product Of U.S.A Keep Frozen
Process In Canada NET WT: 40LB

Frozen Sea Cucumber

Processed By:

Evergreen International Foodstuffs. Ltd
1944 Franklin St, Vancouver, BC V5L
1R2

INGREDIENT: Sea Cucumber

LOT# FSC-22217-NC

Best Before Date:FEB 22 2019

Product Of Canada Keep Frozen

Frozen Sea Cucumber

Processed By:

Grand Hale Marine Products CO LTD
11551 Twigg Place, Richmond, B.C
Canada V6V 2Y2

INGREDIENT: Sea Cucumber

LOT# FSC-100717-NC

Best Before Date:OCT 19 2019

Product Of Canada Keep Frozen

s.21
FW: Phone Call Received from

From: Joshi, Hemant S AFF:EX <Hemant.Joshi@gov.bc.ca>
Attachments: image002.jpg, image001.gif

From: Lyth, Ryan <Ryan.Lyth@dfo-mpo.gc.ca>
Sent: November 1, 2021 4:10 PM
To: Beckett, Steve <Steve.Beckett@dfo-mpo.gc.ca>; Askey, Greg <Greg.Askey@dfo-mpo.gc.ca>; Thorburn, Geoff <Geoff.Thorburn@dfo-mpo.gc.ca>
Cc: Barker, Brian J AFF:EX <Brian.J.Barker@gov.bc.ca>; Toner, Joel <Joel.Toner@dfo-mpo.gc.ca>
Subject: RE: Phone Call Received from^{s.21}

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Oh well. Thanks for trying and thanks for the update.
Stay safe.

Ryan Lyth

Fishery Officer / Agent des pêches
Field Supervisor / Superviseur sur le terrain
Fisheries and Oceans Canada / Pêches et Océans Canada
Conservation and Protection / Conservation et protection
Pacific Region / Région du Pacifique
Steveston Field Office / Bureau de Steveston
12551 No. 1 Road, Richmond, BC, V7E 1T7
Telephone / Téléphone : (604) 664-9138
Facsimile / Télécopieur : (604) 664-9255
Email / Courriel : Ryan.Lyth@dfo-mpo.gc.ca



**Fisheries and Oceans
Canada**

**Pêches et Océans
Canada**

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From: Beckett, Steve <Steve.Beckett@dfo-mpo.gc.ca>
Sent: Monday, November 1, 2021 3:51 PM
To: Lyth, Ryan <Ryan.Lyth@dfo-mpo.gc.ca>; Askey, Greg <Greg.Askey@dfo-mpo.gc.ca>; Thorburn, Geoff <Geoff.Thorburn@dfo-mpo.gc.ca>
Cc: Barker, Brian J AGRI:EX <Brian.J.Barker@gov.bc.ca>; Toner, Joel <Joel.Toner@dfo-mpo.gc.ca>
Subject: RE: Phone Call Received from^{s.21}

Geoff has been checking^{s.15} no luck.

From: Lyth, Ryan <Ryan.Lyth@dfo-mpo.gc.ca>
Sent: Monday, November 1, 2021 3:14 PM
To: Askey, Greg <Greg.Askey@dfo-mpo.gc.ca>
Cc: Beckett, Steve <Steve.Beckett@dfo-mpo.gc.ca>; Barker, Brian J AGRI:EX <Brian.J.Barker@gov.bc.ca>; Toner, Joel <Joel.Toner@dfo-mpo.gc.ca>
Subject: RE: Phone Call Received from^{s.21}

Hey Greg – let me know if you were able to look into this ^{s.15}

and if anything is happening. Thanks.

Ryan Lyth

Fishery Officer / Agent des pêches
Field Supervisor / Superviseur sur le terrain
Fisheries and Oceans Canada / Pêches et Océans Canada
Conservation and Protection / Conservation et protection
Pacific Region / Région du Pacifique
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From: Askey, Greg <Greg.Askey@dfo-mpo.gc.ca>
Sent: Monday, November 1, 2021 7:30 AM
To: Lyth, Ryan <Ryan.Lyth@dfo-mpo.gc.ca>
Cc: Beckett, Steve <Steve.Beckett@dfo-mpo.gc.ca>; Barker, Brian J AGRI:EX <Brian.J.Barker@gov.bc.ca>
Subject: RE: Phone Call Received from s.21

Likely the airport is the best place to conduct an inspection as the truck will be unloaded there ? Not sure what is to gain inspecting at the scales ? Paperwork will be in order and no way to really inspect product in a 40 foot trailer ?

Greg Askey, Fishery Officer
Field Supervisor,
Fisheries & Oceans Canada
Campbell River BC
(250) 850 - 5706

From: Lyth, Ryan <Ryan.Lyth@dfo-mpo.gc.ca>
Sent: Friday, October 29, 2021 5:16 PM
To: Barker, Brian J AFF:EX <Brian.J.Barker@gov.bc.ca>; Tomlin, Trevor <Trevor.Tomlin@dfo-mpo.gc.ca>; Moulder, Ryan <Ryan.Moulder@dfo-mpo.gc.ca>
Cc: Askey, Greg <Greg.Askey@dfo-mpo.gc.ca>; Tadei, Shaun <Shaun.Tadei@dfo-mpo.gc.ca>
Subject: RE: Phone Call Received from s.21

Thanks Brian. I've talked with s.22 and s.1 really didn't add much more detail. s.19 really wants to be kept as far removed from this as possible.

s.22 believes a s.15 will be coming over on the s.15 Greg – you have any capacity to have someone sit on s.15 to s.15 I don't know anything about that s.15; s.15 or how often that s.15 So not sure how feasible that would be. Then, ideally, Brian is at the s.15 with an FO or two to do the inspection. s.22 believes that they won't make it to easy – s.15 s.15

Depending on how things go on Monday if we are able to work on this,^{s.22} will update Brian if ^{s.2} learns anything else throughout the day.

And then Steveston can be a failsafe if the truck makes it across as it likely is destined^{s.15}

Chat more soon,
Ryan

Ryan Lyth

Fishery Officer / Agent des pêches
Field Supervisor / Superviseur sur le terrain
Fisheries and Oceans Canada / Pêches et Océans Canada
Conservation and Protection / Conservation et protection
Pacific Region / Région du Pacifique
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Email / Courriel : Ryan.Lyth@dfo-mpo.gc.ca



Fisheries and Oceans
Canada

Pêches et Océans
Canada

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s.15; s.22